



The Regular Meeting of the West Valley City Council will be held on Tuesday, July 28, 2015, at 6:30 PM, in the City Council Chambers, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah. Members of the press and public are invited to attend.

Posted 7/23/15, 12:30 PM

A G E N D A

1. Call to Order
2. Roll Call
3. Opening Ceremony: Mayor Ron Bigelow
4. Special Recognitions
5. Approval of Minutes:
 - A. July 14, 2015 (Regular Meeting)
6. Awards, Ceremonies and Proclamations:
 - A. Proclamation Declaring August 2015 as "Neighborhood Nights" Month and August 4, 2015 as "National Night Out 2015" in West Valley City
7. Comment Period:

(The comment period is limited to 30 minutes. Any person wishing to comment shall limit their comments to five minutes. Any person wishing to comment during the comment period shall request recognition by the Mayor. Upon recognition, the citizen shall approach the microphone. All comments shall be directed to the Mayor. No person addressing the City Council during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate with the Mayor, City Council or City Staff; however, the Mayor, City Council or City Staff may respond within the 30-minute period.)

West Valley City does not discriminate on the basis of race, color, national origin, gender, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact for assistance is Sheri McKendrick.

- A. Public Comments
 - B. City Manager Comments
 - C. City Council Comments
8. Public Hearings:
- A. Accept Public Input Regarding the West Valley City Police Department's Application for a Justice Assistance Grant (JAG) through the U.S. Department of Justice Programs

Action: Consider Resolution No. 15-125, Authorizing the West Valley City Police Department to Apply for a Justice Assistance Grant (JAG) through the U.S. Department of Justice Programs
 - B. Accept Public Input Regarding Application No. Z-2-2015, filed by Anderson Wahlen and Associates, Requesting a Zone Change from Zone 'RB' (Residential Business) to Zone 'C-1' (Neighborhood Commercial) for Property Located at 5576 West 4100 South and 4049 South, 4061 South and 4095 South 5600 West

Action: Consider Ordinance No. 15-26, Amending the Zoning Map to Show a Change of Zone for Property Located at 5576 West 4100 South and 4049 South, 4061 South and 4095 South 5600 West from Zone 'RB' (Residential Business) to Zone 'C-1' (Neighborhood Commercial)
 - C. Accept Public Input Regarding Application No. ZT-3-2015, filed by West Valley City, Requesting Amendments to the Zoning Ordinance to Create the New 'A-2' and 'RE' Zones

Action: Consider Ordinance No. 15-27, Enacting Part 7-6-600P and Sections 7-6-216, 7-6-220, and 7-6-221 and Amending Sections 7-5-101, 7-6-101, 7-6-203, 7-14-104, 7-14-105, and 7-23-210 of the West Valley City Municipal Code to Create the Residential Estate and 'A-2' Zones, Define Regulations Concerning These Zones, and Amend Provisions Governing the Rezoning of Property Within the City
 - D. Accept Public Input Regarding Application No. GPZ-1-2015, filed by West Valley City, Requesting Amendments to the General Plan and Rezoning of Certain Properties in West Valley City

Action: Consider Ordinance No. 15-28, Amending the General Plan to Show a Change of Land Use from Various Land Use Designations to Large Lot Residential or Non-Retail Commercial for Property Located at Various Locations

Action: Consider Ordinance No. 15-29, Amending the Zoning Map to Show a Change of Zone for Property Located at Various Locations from Various Zones to

Zone 'A' or 'A-2'

9. Resolutions:
 - A. 15-126: Authorize the City to Purchase Radio Communications Equipment from Motorola Solutions, Inc. for use by the Police and Fire Departments
 - B. 15-127: Authorize the City to enter into Property Schedule No. 2 of the Master Tax-Exempt Lease/Purchase Agreement with US BANCORP Government Leasing and Financing, Inc., with Respect to a Lease for the Purchase and Replacement of Police and Fire Radio Equipment
 - C. 15-128: Approve a Federal Aid Agreement with the Utah Department of Transportation and Salt Lake County for the 4700 South Improvement Project
 - D. 15-129: Approve an Interlocal Cooperative Agreement with Salt Lake County for the 4700 South Improvement Project
 - E. 15-130: Award a Contract to Ridge Rock, Inc. for the 2015 Asphalt Polymer Treatment Project
10. Motion for Executive Session
11. Adjourn

MINUTES OF COUNCIL REGULAR MEETING – JULY 14, 2015

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 14, 2015, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Corey Rushton, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Lars Nordfelt, Councilmember At-Large
Steve Vincent, Councilmember District 4

STAFF PRESENT:

Paul Isaac, Assistant City Manager/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Russell Willardson, Public Works Director
Layne Morris, CPD Director
Kevin Astill, Parks and Recreation Director
John Evans, Fire Chief
Lee Russo, Police Chief
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department
Ryan Robinson, Law Department
Rachelle Hill, Victim Services/Law Department
Merari Lopez, Victim Services/Law Department
Marlene Winburn, Public Works Department
Paul Love, Public Works Department
Wendy Motteshard, Public Works Department

17073

OPENING CEREMONY

The Opening Ceremony was conducted by Corey Rushton who reminded today was Bastille Day. He shared information learned about this celebration from neighbors who were from France. Thereafter, he led the Pledge of Allegiance to the Flag.

MINUTES OF COUNCIL REGULAR MEETING – JULY 14, 2015

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17074 **EMPLOYEE OF THE MONTH AWARD, JULY 2015 – MARLENE WINBURN, PUBLIC WORKS DEPARTMENT**

Councilmember Lang read the nomination of Marlene Winburn, Public Works Department, to receive the Employee of the Month award. Ms. Winburn had been nominated for her courage and flexibility in adapting to different work environments and being a model of dependability while giving outstanding service to the public.

The award was presented and members of the City Council expressed appreciation and congratulated Ms. Winburn.

17075 **DIVISION OF THE QUARTER AWARD – VICTIM SERVICES, LAW DEPARTMENT**

Councilmember Rushton read the nomination of the Law Department's Victim Services Division to receive the Division of the Quarter Award. The Victim Services Division had been nominated for their willingness to always go over and above expectations, resulting in excellent service to the citizens of the City.

The award was presented to the Victim Services staff in attendance at the meeting and members of the City Council expressed appreciation for their service to West Valley City.

17076 **COMMENT PERIOD**

Upon inquiry by Mayor Bigelow there was no one in attendance in the audience who desired to address the City Council during the comment period.

Councilmember Buhler commented on the good work of city staff and stated it could be used as a theme for monumentation in West Valley City. He indicated the good work should be made known and recognized.

17077 **RESOLUTION NO. 15-114, APPROVE THE PURCHASE OF A TYMCO 600 STREET SWEEPER FROM INTERMOUNTAIN SWEEPER FOR USE BY THE PUBLIC WORKS DEPARTMENT**

Mayor Bigelow presented proposed Resolution No. 15-114 that would approve purchase of a Tymco 600 Street Sweeper from Intermountain Sweeper, in the amount of \$238,150.00, less the trade-in value of \$85,000.00 for a total not to exceed \$153,150.00, for use by the Public Works Department.

Intermountain Sweeper had submitted a proposal that qualified under the provisions of the West Valley City Procurement Code 5-3-110, Procurement to Meet Existing Needs. The Code allowed the procurement of matching equipment when it would be beneficial to operations and maintenance. The Fleet Manager and Operations Managers had negotiated the best price available.

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Street sweepers were high maintenance vehicles and the current policy of replacing sweepers every four years had proven economical by avoiding high repair costs and having the ability to recoup high trade-in values for the old sweepers. The street sweeper being replaced was a 2011 Tymco 600.

The Public Works Department had used Tymco sweepers for many years and been pleased with the equipment performance, including good customer service from Intermountain Sweeper.

To ensure the City received the best value, bids had been solicited from all vendors last year. The 2014 bid submitted by Intermountain Sweeper for the Tymco 600 sweeper best met the City's requirements and had also been the lowest cost bid submitted.

After discussion, Councilmember Lang moved to approve Resolution No. 15-114, a Resolution Authorizing West Valley City to Purchase a Tymco 600 Street Sweeper from Intermountain Sweeper for use by the Public Works Department. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mayor Bigelow	Yes

Unanimous.

17078

RESOLUTION NO. 15-119, ACCEPT A PROPOSAL WITH WORKERS COMPENSATION FUND TO RENEW A FULL INDEMNITY WORKERS COMPENSATION PROGRAM FOR WEST VALLEY CITY

Mayor Bigelow presented proposed Resolution No. 15-119 that would accept a proposal with Workers Compensation Fund to renew a full indemnity workers compensation program for West Valley City.

Workers Compensation Fund (WCF) provided a full indemnity plan for claims for a monthly premium. Full indemnity meant that WCF not only processed and paid claims, but also administered all workers compensation related matters, including litigation.

Further, the Workers Compensation Fund would handle all aspects of workers compensation claims for the monthly premium. The transition to the WCF had

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been highly successful and resulted in increased efficiency and decreased costs during the first year. This year, the City's premium would be reduced by approximately \$102,000 as a result of coordination with WCF and effective risk management and prevention by the City.

After discussion, Councilmember Buhler moved to approve Resolution No. 15-119, a Resolution Accepting a Proposal with Workers Compensation Fund to Renew a Full Indemnity Workers Compensation Program for West Valley City. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mayor Bigelow	Yes

Unanimous.

17079

CONSENT AGENDA:

A. **RESOLUTION NO. 15-115, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF MATHEW LOVATO AS MEMBER OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: JULY 1, 2015 – JUNE 30, 2019**

Mayor Bigelow presented proposed Resolution No. 15-115 that would ratify the City Manager's reappointment of Mathew Lovato as a member of the Clean and Beautiful Committee for the term July 1, 2015 through June 30, 2019.

Mathew Lovato had expressed willingness to serve as a member of the Clean and Beautiful Committee. Members of the Committee were appointed for four-year terms by the City Manager with the advice and consent of the City Council.

B. **RESOLUTION NO. 15-116, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF JODY RUSHTON-PORTER AS MEMBER OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: JULY 1, 2015 – JUNE 30, 2019**

Mayor Bigelow presented proposed Resolution No. 15-116 that would ratify the City Manager's reappointment of Jody Rushton-Porter as a member of the Clean and Beautiful Committee for the term July 1, 2015 through June 30, 2019.

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Jody Rushton had expressed willingness to serve as a member of the Clean and Beautiful Committee. Members of the Committee were appointed for four-year terms by the City Manager with the advice and consent of the City Council.

C. RESOLUTION NO. 15-117, RATIFY THE CITY MANAGER'S REAPPOINTMENT OF MISTY SMITH AS MEMBER OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: JULY 1, 2015 – JUNE 30, 2019

Mayor Bigelow presented proposed Resolution No. 15-117 that would ratify the City Manager's reappointment of Misty Smith as a member of the Clean and Beautiful Committee for the term July 1, 2015 through June 30, 2019.

Misty Smith had expressed willingness to serve as a member of the Clean and Beautiful Committee. Members of the Committee were appointed for four-year terms by the City Manager with the advice and consent of the City Council.

D. RESOLUTION NO. 15-118, RATIFY THE CITY MANAGER'S APPOINTMENT OF MATHEW LOVATO AS CHAIRPERSON OF THE CLEAN AND BEAUTIFUL COMMITTEE, TERM: JULY 1, 2015 – JUNE 30, 2016

Mayor Bigelow presented proposed Resolution No. 15-118 that would ratify the City Manager's appointment of Mathew Lovato as Chairperson of the Clean and Beautiful Committee for the term July 1, 2015 through June 30, 2016.

The Chair of the Clean and Beautiful Committee served for a term of one year. Mr. Lovato had been nominated and recommended by the Committee, and submitted to the City Manager for consideration of appointment and ratification by the City Council.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 15-115, 15-116, 15-117 and 15-118 as presented on the Consent Agenda. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mayor Bigelow	Yes

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Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JULY 14, 2015, WAS ADJOURNED AT 6:43 P.M., BY MAYOR BIGELOW.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, July 14, 2015.

Sheri McKendrick, MMC
City Recorder

WEST VALLEY CITY, UTAH

**A PROCLAMATION DECLARING AUGUST, 2015
AS “NEIGHBORHOOD NIGHTS” MONTH, AND
AUGUST 4, 2015 AS “NATIONAL NIGHT OUT 2015”
IN WEST VALLEY CITY.**

WHEREAS, West Valley City strives to reinforce the importance of crime prevention awareness in the City; and

WHEREAS, crime prevention events have been planned throughout the month of August; and

WHEREAS, the National Association of Town Watch (NATW), Target Corporation, and Nextdoor.com are sponsoring a unique nationwide crime-, drug-, and violence-prevention program on August 4, 2015, entitled “National Night Out”; and

WHEREAS, the 32nd Annual National Night Out provides a unique opportunity for West Valley City to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, police-community partnerships, neighborhood safety, awareness, and cooperation are important themes of the National Night Out program; and

WHEREAS, the Mayor and City Council of West Valley City, Utah, recognize that it is essential that all members of our community are aware of the importance of crime prevention programs, and the impact that their participation can have on reducing crime, drugs, and violence in West Valley City;

NOW, THEREFORE, the Mayor and City Council of West Valley City, Utah, do hereby proclaim August, 2015 as “Neighborhood Nights” month, and August 4, 2015 as “National Night Out 2015,” and encourage residents to participate in the activities taking place throughout the City during the month of August.

DATED this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER

The comment period is limited to 30 minutes. Any person wishing to comment shall limit their comments to five minutes. Any person wishing to comment during the comment period shall request recognition by the Mayor. Upon recognition, the citizen shall approach the microphone. All comments shall be directed to the Mayor. No person addressing the City Council during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate with the Mayor, City Council or City Staff; however, the Mayor, City Council or City Staff may respond within the 30-minute period.

ITEM #: _____
FISCAL IMPACT: \$90,892
FUNDING SOURCE: U.S. Department of Justice,
Bureau of Justice Assistance

ISSUE:

Authorize the Police Department to apply for the Justice Assistance Grant (J.A.G.) through the Department of Justice Programs. The Grant amount is \$90,892. The funds would be utilized to pay for a portion of the annual fees associated with our 190 Body Worn Cameras. The police department is not required to match funds as this is a non-matching grant. The 2015 J.A.G. program is a three year grant. Additional funding may be awarded in future years to continue the grant program.

SYNOPSIS:

The U.S. Department of Justice Programs is allowing the West Valley City Police Department to apply for a Justice Assistance Grant (J.A.G.). The funds may be used to purchase equipment, fund training, to fund approved programs, and pay salaries for approved programs. The procedure for allocating J.A.G. funds is a formula based on population and crime statistics in combination with a minimum allocation to ensure that each state and territory receives an appropriate share. The Edward Byrne Memorial Justice Assistance Grant Program will allow states and local governments to support a broad range of activities to improve the criminal justice system. J.A.G. replaced the Byrne Formula and Local Law Enforcement Block Grant programs

BACKGROUND:

Earlier this year, the West Valley City Police Department purchased 190 body worn cameras with one-time assistance from State funds. The costs associated with maintaining our body worn camera program is \$197,748, annually. The Police Department is exploring several different avenues through both State and Federal grants in order to fund these costs for the 2015 fiscal year.

RECOMMENDATION:

Approve the application packet for submission to the U.S. Department of Justice, Justice Assistance Grant.

SUBMITTED BY:

Lee Russo, Police Chief

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE WEST VALLEY
CITY POLICE DEPARTMENT TO APPLY FOR JUSTICE
ASSISTANCE GRANT (J.A.G.) THROUGH THE U.S.
DEPARTMENT OF JUSTICE PROGRAMS.**

WHEREAS, the West Valley City Police Department (the “Department”) desires to apply for a Justice Assistance Grant (“J.A.G.”) through the U.S. Department of Justice Programs; and

WHEREAS, the J.A.G. is a three year non-matching grant in the amount of \$90,892.00; and

WHEREAS, the funds will be used to pay for a portion of the annual fees associated with body worn cameras; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interest of the citizens of West Valley City to support the Department’s grant application;

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah that the West Valley City Police Department is hereby authorized to apply for the Justice Assistance Grant through the U.S. Department of Justice Programs for an amount not to exceed \$90,892.00.

PASSED, APPROVED and MADE EFFECTIVE this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER

J.A.G. FY 2015

Justice Assistance Grant

Submitted to:

**Bureau of Justice Assistance
Office of Justice Programs**

U.S. Department of Justice

By:

**West Valley City Police Department
West Valley City, Utah**

PROGRAM NARRATIVE

The West Valley City Police Department is committed to improving police services to the community. We are constantly striving to improve service to our citizens through new ideas, technology, and resource management. Our agency displays a continual drive to stay current with technology and to utilize newly available resources to the fullest extent. In order to provide the best possible services, the West Valley City Police Department must continually look at all possible options to improve upon the costs of providing services to the community as well as those available options that may save time and money; while still providing the best possible services for public safety within our community.

One method identified within our agency designed to improve services, increase officer safety, transparency, and trust between officers and citizens was to implement a body-worn camera program. At the beginning of this year our Department purchased 190 TASER-Axon Flex body-worn cameras for all of our sworn officers, with the exception of a small handful of our administrative personnel, and already we are seeing the benefits of this program. Citizens have repeatedly voiced their approval of the cameras and how they feel that they benefit everyone. Our officers have been able to capture victims' statements, suspects' confessions, and first-hand recordings of crimes in progress. Complaints against officers have decreased. Many criminal cases have been resolved before they even reach court proceedings due to the footage captured on these cameras. Our officers have reported feeling more protected in their work because their actions and words are always on film.

The cost associated with running our agency's body worn program is rather steep. Each year we will be tasked with finding \$197,748 to keep it functioning and store the footage the

cameras collect. Funding to purchase our body-worn cameras has proven difficult to acquire. However, our Department has recognized the vital role they play in our officers' day to day activities and for this reason, West Valley City officials have remained committed to outfitting each officer with one.

West Valley City's main issue is not in lack of support from City Council, the Mayor, or the citizens. Instead it is in how to continue funding this program to give both the citizens and the officers the service and protection they deserve. Funding from the FY 2015 Edward Byrne Memorial Justice Assistance Grant would provide our agency with a means in which to pay for a large portion of the costs coming this year. Funding from within our City is simply not available at this time. West Valley City is exploring other options to help pay for the remaining balance.

Collecting and reporting the required data for this solicitation would not be an issue for the West Valley City Police Department. A meticulous accounting and reporting program has been established for each grant our agency receives. Each and every activity that takes place with grant funding is properly documented in detail. Digital copies of invoices are made and expenditures are promptly recorded. Routine internal audits are conducted to ensure accuracy. This process has made it very easy to report any and all required information to the Bureau of Justice Assistance.

**2015 JAG
West Valley City, Utah**

BUDGET DETAIL WORKSHEET

A. Personnel **Sub-Total \$0**

<u>Name/Position</u>	<u>Computation</u>	<u>Cost</u>
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NONE

B. Fringe Benefits **Sub-Total \$0**

<u>Name/Position</u>	<u>Computation</u>	<u>Cost</u>
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NONE

C. Travel **Sub-Total \$0**

<u>Purpose of Travel</u>	<u>Location</u>	<u>Item</u>	<u>Computation</u>	<u>Cost</u>
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NONE

D. Equipment **Sub-Total \$0**

NONE

E. Supplies **Sub-Total \$0**

NONE

F. Construction **Sub-Total \$0**

NONE

G. Consultant/Contracts

Contract Fees:	Sub-Total	\$0
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NONE

Consultant Expenses:	Sub-Total	\$0
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NONE

H. Other	Sub-Total	\$197,748
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Evidence.com Storage	\$28,500
TASER Assurance Plan	\$6,840
Ultimate Evidence.com Annual Payment	\$125,400
Professional Evidence.com License	\$2,808
Evidence.com Integration License	\$34,200

I. Indirect Costs	Sub-Total	\$0
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NONE

BUDGET SUMMARY

Budget Category	Amount
A. Personnel	\$0
B. Fringe Benefits	\$0
C. Travel	\$0
D. Equipment	\$0
E. Supplies	\$0
F. Construction	\$0
G. Consultant/Contracts	\$0
H. Other	\$197,748
I. Indirect Costs	\$0

TOTAL PROJECT COSTS **\$197,748**

Federal Request **\$90,892**

**2013 JAG
West Valley City, Utah**

BUDGET NARRATIVE

A. Personnel **\$0**

There will be no expenses in this category.

B. Fringe Benefits **\$0**

There will be no expenses in this category.

C. Travel **\$0**

There will be no expenses in this category.

D. Equipment **\$0**

There will be no expenses in this category.

E. Supplies **\$0**

There will be no expenses in this category.

F. Construction **\$0**

There will be no expenses in this category.

G. Consultant/Contracts **\$0**

There will be no expenses in this category.

H. Other **\$197,748**

Evidence.com Storage **\$28,500**

Footage captured with the body-worn cameras must be stored for a minimum period of 90 days, even if it appears to be of no evidentiary

value. Footage deemed to be of evidentiary value may be stored indefinitely, or until the case is adjudicated.

Taser Assurance Plan

\$6,840

A five-year payment plan that includes onsite spare cameras, full warranties, and upgraded devices after five years.

Ultimate Evidence.com Annual Payment

\$125,400

Licenses for each of the 190 body worn cameras that West Valley City currently owns.

Professional Evidence.com License

\$2,808

Annual fee for the licenses issued to administrative personnel.

Evidence.com Integration License

\$34,200

Integration and correlation of information from West Valley City's Records Management System (RMS) with videos on Evidence.com.

I. Indirect Costs

\$0

There will be no expenses in this category.

FY 2015 BJA Justice Assistance

ABSTRACT

NAME: West Valley City

TITLE OF PROJECT: FY 2015 JAG—West Valley City Police Body-Worn Camera Program

DESCRIPTION OF THE PROBLEM: Earlier this year the West Valley City Police Department purchased 190 TASER-Axon Flex body-worn cameras with one-time assistance from a State grant. The cost of keeping the body-worn camera program operational is \$197,748 each year. These costs are generated from storage fees, licensing fees, and other general fees charged by TASER. Our agency is tasked with finding this funding for these cameras each year in order to continue providing both the citizens of West Valley and its officers the service and protection they deserve. Funding from within our City is simply not available at this time.

TARGETED AREA/POPULATION: West Valley City is geographically located on the western side of the Salt Lake Valley in Utah. The current population is just over 130,000 and covers 35.5 square miles. Our agency handles the highest amount of calls for service per capita in the State of Utah.

PROJECT GOALS AND OBJECTIVES: The West Valley City Police Department has recognized the significant benefits of equipping its officers with body-worn-cameras. Our goal is to maintain this invaluable, yet costly, program in an effort to facilitate transparency and foster relationships of trust between the officers and citizens.

DESCRIPTION OF PROJECT STRATEGY: Our project strategy is simple: Maintain our body-worn camera program by receiving the necessary funding to pay the annual costs associated with it.

SIGNIFICANT PARTNERSHIPS: N/A

ANTICIPATED OUTCOMES: As we move forward with our body-worn camera program, we anticipate we will continue reaping the many benefits we have already experienced. Some of those benefits include: 1. Citizens repeatedly voicing their approval of the cameras and how they feel they benefit everyone, 2. A reduction in complaints against officers, 3. Our officers being able to capture victims' statements, suspects' confessions, and first-hand recordings of crimes in progress, 4. Criminal cases being resolved before they even reach court proceedings due to the footage captured on these cameras, 5. Our officers feeling more protected in their work because their actions and words are always on film.

PROJECT IDENTIFIERS: 1. Body-Worn Camera
2. Community Policing
3. Impaired Driving
4. Policing
5. Traffic Enforcement

Item: _____
Fiscal Impact: N/A
Funding Source: N/A
Account #: N/A

Budget Opening Required: ☐

ISSUE:

Application: #Z-2-2015
Applicant: Anderson Wahlen and Associates
Location: 5576 W 4100 S and 4049 S, 4061 S, and 4095 S 5600 W
Size: 3.11 acres

SYNOPSIS:

Change zone from 'RB' (residential business) to 'C-1' (neighborhood commercial).

BACKGROUND:

Anderson Wahlen & Associates has requested a zone change on five parcels totaling 3.1 acres on the northeast corner of 5600 West 4100 South from RB (residential business) to C-1 (neighborhood commercial). Surrounding zones include C-2 (general commercial) to the west, RB to the north and east and C-1 to the south. Surrounding uses include the Smiths and Lowes anchored Legacy shopping center to the west, a church to the north, a largely vacant property to the east and two homes and a vacant parcel to the south. The property to the south was recently rezoned from A (agriculture) to C-1 where a CVS pharmacy is proposed. The property is designated as non-retail commercial in the General Plan.

The applicant has submitted a concept plan, which is attached, that shows the proposed use for this corner as an America First Credit Union branch and retail building. Also attached is a letter from applicant that supports this application. The existing RB zone allows for financial institutions like America First Credit Union but does not allow a retail building.

The concept plan shows the development setback well over the required 20' to accommodate future road widening planned along 5600 West and 4100 South. As part of the extension of the Mountain View Corridor from 5400 South to 4100 South, UDOT will be widening the intersection of 4100 South and 5600 West to accommodate double left turns. This project will begin in 2016 and be completed in 2017. By way of background, the next section of the Mountain View Corridor from 4100 South to SR-201 was recently funded and will be under construction in 2018.

When considering this rezone application, the following information is helpful background:

- The other three corners of this intersection are zoned C-1 or C-2.
- This property is not directly adjacent to R-1 zoning.
- Traffic volumes at this intersection are anticipated to increase once the Mountain View Corridor extension to 4100 South is completed in 2017.

RECOMMENDATION:

The Planning Commission and staff recommend approval.

SUBMITTED BY:

Steve Pastorik, Planning Director/Assistant CED Director

WEST VALLEY CITY, UTAH

ORDINANCE NO. _____

Draft Date: _____
Date Adopted: _____
Effective Date: _____

**AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A
CHANGE OF ZONE FOR PROPERTY LOCATED AT 5576 W 4100
S AND 4049 S, 4061 S, AND 4095 S 5600 W FROM ZONE 'RB'
(RESIDENTIAL BUSINESS) TO ZONE 'C-1' (NEIGHBORHOOD
COMMERCIAL)**

WHEREAS, the West Valley City Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed zoning change pursuant to Chapter 9 of Title 10, Utah Code Annotated 1953, as amended, and the West Valley City Zoning Ordinance; and

WHEREAS, a public hearing before the City Council of West Valley City was held after being duly advertised as required by law; and

WHEREAS, the City Council of West Valley City finds that such zoning change should be made;

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City,
Utah:

SECTION 1. ZONING CHANGE.

The property described in application #Z-2-2015, filed by Anderson Wahlen and Associates, located at 5576 W 4100 S and 4049 S, 4061 S, and 4095 S 5600 W is hereby reclassified from zone 'RB' (residential business) to zone 'C-1' (neighborhood commercial) said property being more particularly described as follows:

PARCEL (14-36-353-009)

Beginning at a point 297.00 feet North and 53.00 feet East of the Southwest Corner of Section 36, Township 1 South, Range 2 West, Salt Lake Base and Meridian; and running thence North 00°14'50" West 78.44 feet, thence North 05°12'02" West 20.65 feet, thence East 278.00 feet, thence South 99.00 feet, thence West 277.00 feet to the point of beginning.

PARCEL (14-36-353-010)

Beginning at a point 198.00 feet North and 53.00 feet East from the Southwest Corner of Section 36, Township 1 South, Range 2 West, Salt Lake Base and Meridian; and running thence North 99.00 feet, thence 277.00 feet, thence South 99.00 feet, thence West 277.00 feet to the point of beginning.

PARCEL (14-36-353-011)

Beginning at a point 156.00 feet North and 53.00 feet East from the Southwest Corner of Section 36, Township 1 South, Range 2 West, Salt Lake Base and Meridian; and running thence North 42.00 feet, thence East 277.00 feet, thence South 42.00 feet, thence West 277.00 feet to the point of beginning.

PARCEL (14-36-353-012)

Beginning at a point 40.00 feet North and 76.29 feet East from the Southwest Corner of Section 36, Township 1 South, Range 2 West, Salt Lake Base and Meridian; and running thence North 47°57'31" West 31.72 feet, thence North 00°14'50" West 94.85 feet, thence East 277.00 feet, thence South 116.00 feet, thence North 89°46'16" West 253.53 feet to the point of beginning.

Parcel (14-36-353-008)

Commencing at a point 396 feet North of the Southwest Corner of Section 36, Township 1 South, Range 2 West, Salt Lake Base and Meridian; running North 132.0 feet; thence East 330 feet; thence 132 feet South; thence 330 feet West to place of beginning. Less that portion of 5600 West Street as recorded.

Less and Excepting therefrom the following 3 parcels deeded to Utah Department of Transportation.

A parcel of land in fee, for the widening of 5600 West Street known as Project No. 0172, being part of an entire tract of property, situate in the Southwest Quarter of the Southwest Quarter of Section 36, Township 1 South, Range 2 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the Southwest Corner of said entire tract of property, which point is 396.00 feet North 0°14'50" West from the Southwest Corner of said Section 36, said point is also on the Centerline of 5600 West Street at Engineer Station 23+95.73; running thence North 0°14'50" West 132.00 feet along said Centerline to the Northerly Boundary of said property; thence North 88°53'38" East 6.98 feet along said Boundary; thence South 0°14'50" West 2.83 feet; thence South 5°12'02" East 129.91 feet to the Southerly Boundary of said property; thence

North 89°46'16" West 18.20 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

Also:

A parcel of land in fee, for the widening of 5600 West Street known as Project No. 0172, being part of an entire tract of property, situate in the Southwest Quarter of the Southwest Quarter of Section 36, Township 1 South, Range 2 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the Southwest Corner of said entire tract of property, which point is 396.00 feet North 0°14'50" West from the Southwest Corner of said Section 36, said point is also on the Centerline of 5600 West Street at Engineer Station 23+95.73; running thence North 0°14'50" West 132.00 feet along said Centerline to the Northerly Boundary of said property; thence South 89°42'44" East 39.98 feet along said Boundary; thence South 0°14'35" East 2.83 feet; thence South 5°12'02" East 129.91 feet to the Southerly Boundary of said property; thence North 89°46'16" West 51.20 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

Also:

A parcel of land in fee, for the widening of existing State Highway 172 known as Project No. 0172, being part of an entire tract of property, situate in the Southwest Quarter of the Southwest Quarter of Section 36, Township 1 South, Range 2 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the Southwest Corner of said entire tract, which point is 120.701 meters

(396.00 feet) North and 5.547 meters (18.20 feet) East from the Southwest Corner of said Section 36; and running thence North 4°57'12" West 39.519 meters (129.66 feet) (Record 129.91 feet) along the Westerly Boundary Line of said entire tract; thence North 0°29'40" East 0.863 meters (2.83 feet) along said Westerly Boundary Line to the Northwest Corner of said entire tract; thence East 13.033 meters (42.76 feet) along the Northerly Boundary of said entire tract to a point 15.160 meters (49.74 feet)

perpendicularly distant Easterly from the Centerline of said project; opposite Engineer Station 0+770.595; thence South 40.233 meters (132.00 feet) to the Southerly Boundary Line of said entire tract; thence West 9.628 meters (31.59 feet) along said Southerly Boundary Line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation

SECTION 2. ZONING MAP AMENDMENT.

The West Valley City Zoning Map shall be amended to show the change.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect immediately upon posting, as required by law.

DATED this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER



**COMMUNITY & ECONOMIC DEVELOPMENT
DEPARTMENT**

June 25, 2015

Anderson Wahlen and Associates
Attn: Jeff Randall
2010 North Redwood Road
Salt Lake City, UT 84116

Dear Mr. Randall,

The West Valley City Planning Commission voted on June 24, 2015 to approve application #Z-2-2015. This application is for a zone change from 'RB' (residential business) to 'C-1' (neighborhood commercial). The property is located at 5576 W 4100 S and 4049 S, 4061 S, 4095 S 5600 W.

The motion for approval is subject to a development agreement that requires 20' of landscaping from the future property lines along 5600 West and 4100 South based on the anticipated widening from UDOT.

You will be notified by the City Recorder of the date and time your application will appear on the City Council agenda.

If you should have any comments or questions, please feel free to contact our office at 963-3545.

Sincerely,

Steve Pastorik, AICP
Assistant CED Director/ Planning Director

Z-2-2015

Anderson Wahlen & Associates

4049, 4061 and 4095 S 5600 W and 5576 W 4100 S

RB to C-1

3.1 acres

Anderson Wahlen & Associates has requested a zone change on five parcels totaling 3.1 acres on the northeast corner of 5600 West 4100 South from RB (residential business) to C-1 (neighborhood commercial). Surrounding zones include C-2 (general commercial) to the west, RB to the north and east and C-1 to the south. Surrounding uses include the Smiths and Lowes anchored Legacy shopping center to the west, a church to the north, a largely vacant property to the east and two homes and a vacant parcel to the south. The property to the south was recently rezoned from A (agriculture) to C-1 where a CVS pharmacy is proposed. The property is designated as non-retail commercial in the General Plan.

UTA operates two bus routes (F556 and 47) along this portion of 5600 West and one route (41) along 4100 South.

Development Proposal

The applicant has submitted a concept plan, which is attached, that shows the proposed use for this corner as an America First Credit Union branch and retail building. Also attached is a letter from applicant that supports this application. The existing RB zone allows for financial institutions like America First Credit Union but does not allow a retail building.

The concept plan shows the development setback well over the required 20' to accommodate future road widening planned along 5600 West and 4100 South. As part of the extension of the Mountain View Corridor from 5400 South to 4100 South, UDOT will be widening the intersection of 4100 South and 5600 West to accommodate double left turns. This project will begin in 2016 and be completed in 2017. By way of background, the next section of the Mountain View Corridor from 4100 South to SR-201 was recently funded and will be under construction in 2018.

When considering this rezone application, the following information is helpful background:

- The other three corners of this intersection are zoned C-1 or C-2.
- This property is not directly adjacent to R-1 zoning.
- Traffic volumes at this intersection are anticipated to increase once the Mountain View Corridor extension to 4100 South is completed in 2017.

Staff Alternatives:

- Approval subject to a development agreement that requires 20' of landscaping from the future property lines along 5600 West and 4100 South based on the anticipated widening from UDOT.
- Continuance, for reasons determined at the public hearing.

- Denial, the General Plan calls for non-retail commercial.

Applicant:

Jeff Randall

2010 N Redwood Road

Discussion: Steve Pastorik presented the application. Jeff Randall, representing the applicant, indicated that C-1 zoning should be a good fit for the area with traffic, future road widening, and other uses surrounding 5600 W and 4100 S. He stated that the property is surrounded by RB zoning to the north and east which will provide a good buffer to residential. Jack Matheson asked if UDOT will be providing bus turnouts. Mr. Randall replied no.

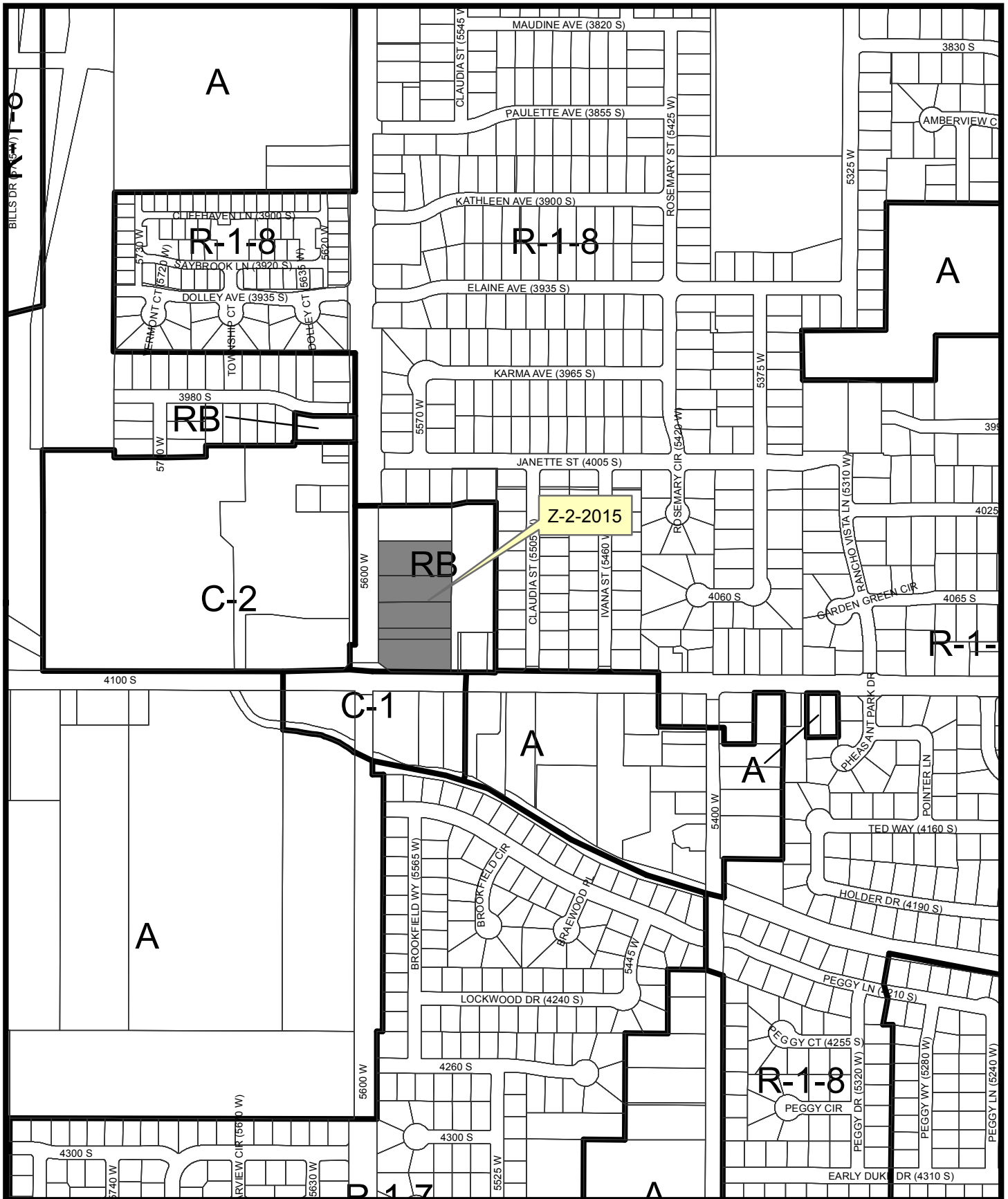
Motion: Commissioner Winters moved for approval subject to a development agreement that requires 20' of landscaping from the future property lines along 5600 West and 4100 South based on the anticipated widening from UDOT.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Tupou	Yes
Commissioner Winters	Yes
Vice- Chairman Meaders	Yes

Unanimous-Z-2-2015- Approved



Z-2-2015

Anderson Wahlen and Associates

5576 W 4100 S and 4049 S, 4061 S, and 4095 S 5600 W

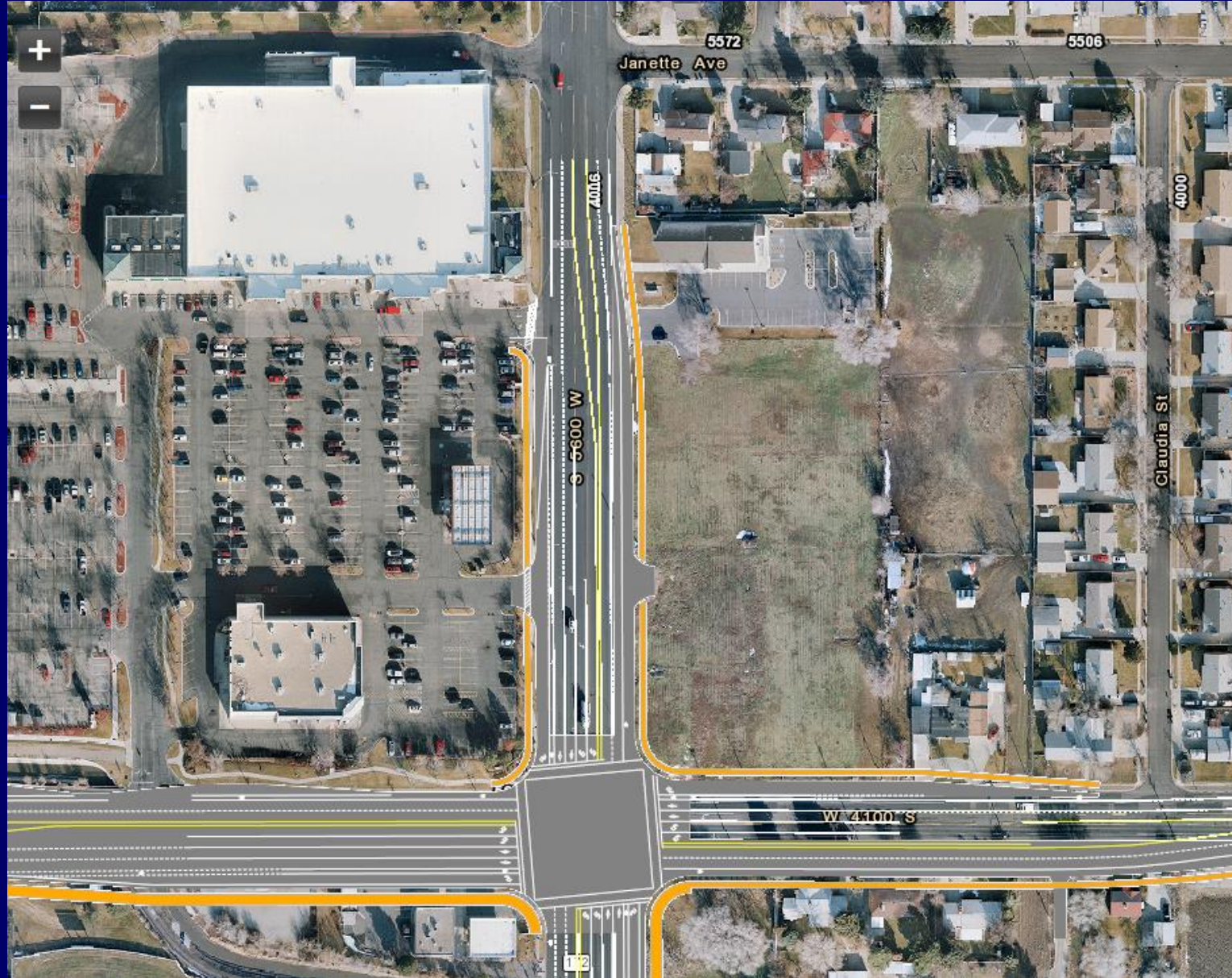
Z-2-2015 Petition by **ANDERSON WAHLEN AND ASSOCIATES** requesting a **zone change** from 'RB' (residential business) to 'C-1' (neighborhood commercial). The property is located at 5576 W 4100 S and 4049 S, 4061 S, and 4095 S 5600 W on 3.11 acres. (Staff- **Steve Pastorik** at 801-963-3545)



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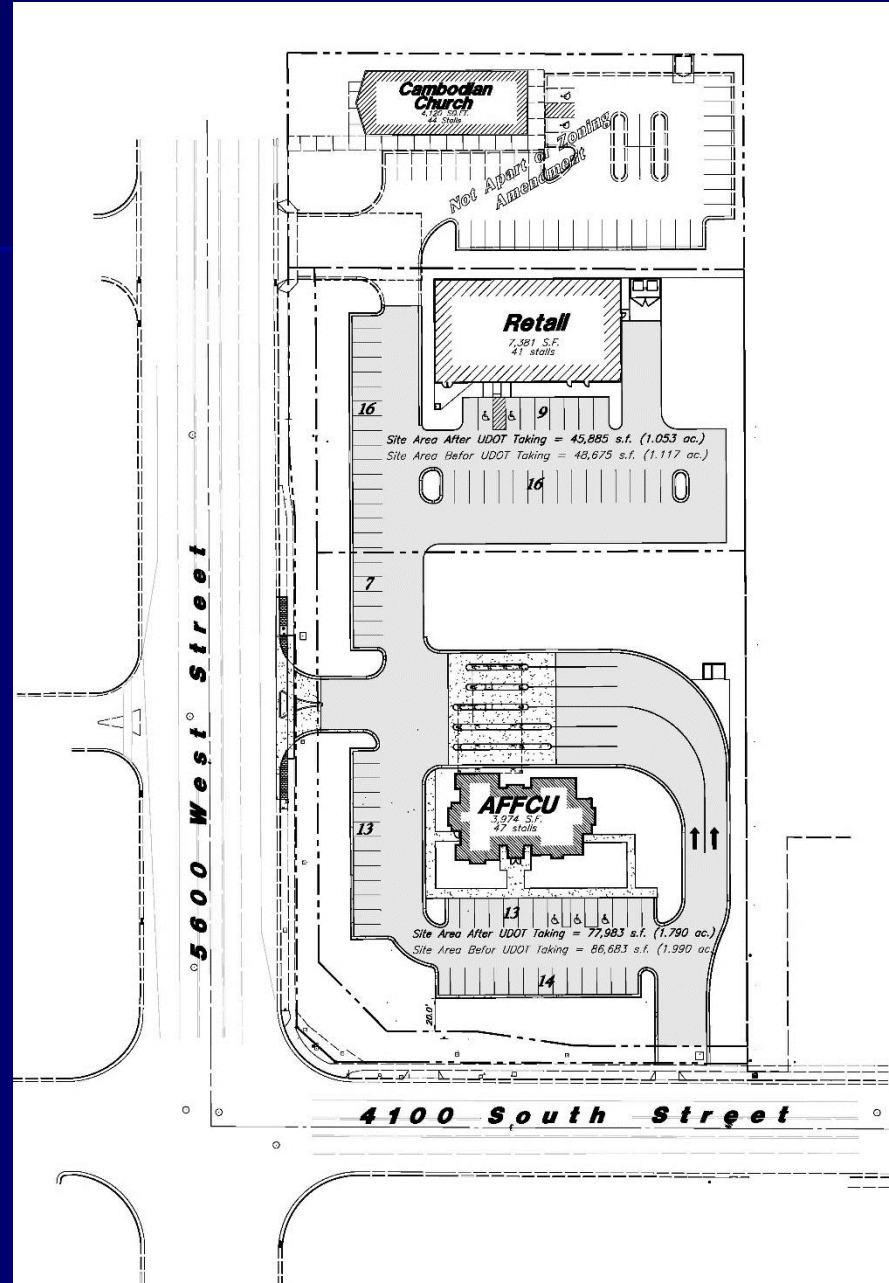
Z-2-2015 Petition by **ANDERSON WAHLEN AND ASSOCIATES** requesting a **zone change** from 'RB' (residential business) to 'C-1' (neighborhood commercial). The property is located at 5576 W 4100 S and 4049 S, 4061 S, and 4095 S 5600 W on 3.11 acres. (Staff- **Steve Pastorik** at 801-963-3545)



Z-2-2015 Petition by **ANDERSON WAHLEN AND ASSOCIATES** requesting a **zone change** from 'RB' (residential business) to 'C-1' (neighborhood commercial). The property is located at 5576 W 4100 S and 4049 S, 4061 S, and 4095 S 5600 W on 3.11 acres. (Staff- **Steve Pastorik** at 801-963-3545)



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Item: _____
Fiscal Impact: _____ N/A
Funding Source: _____ N/A
Account #: _____ N/A
Budget Opening Required: ☐

ISSUE:

An ordinance text amendment to create the new ‘A-2’ and ‘RE’ zones, enact land use regulations within those zones, and enact regulations regarding the rezoning of property within the City.

SYNOPSIS:

The new A-2 zone would be identical to the A and A-1 zones in all respects and requirements except for the minimum lot size, which is proposed at 2 acres. A property zoned A-2 could be developed under the 2 acre format or the property owner can submit an application for a zone change to the RE zone if smaller lots are preferred.

The new RE or residential estate zone addresses permitted and conditional uses; minimum lot size, frontage and setback requirements; minimum housing standards; height restrictions; landscaping standards; parking restrictions; subdivision standards and PUD standards for the zone. This zone establishes a minimum lot size of 15,000 square feet and housing standards to provide areas in the City for larger lots than are currently found in the City for single family residential development. The housing standards in the RE zone supersede the housing design standards or point system found in Section 7-14-105.

The proposed ordinance amendment also includes the following regulation: “Property within City limits may only be amended or rezoned to the following zones: A-2, RE, C-1, C-2, C-3, BRP, MXD, CC and M. If adopted, this provision would prohibit zone changes to any of the following zones: A, A-1, R-1-4, R-1-6, R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, R-2-6.5, R-2-8, RM, RMH and RB. In other words, all new residential only developments within the City that have not already received entitlements would be developed either in one of the “A” zones or in the RE zone if such rezone request is approved.

After holding two public hearings, the Planning Commission recommended approval subject to three changes. The first recommended change was to add the following zones to the list of allowed future zone changes: RM, RB, R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, A and A-1. The second change was to make the masonry wall requirement (item 3 from Section 7-6-605) applicable to all new single family developments. The third change was to discard all remaining housing standards from Section 7-6-605.

RECOMMENDATION:

The Planning Commission recommends approval of the Ordinance.

SUBMITTED BY:

Steve Pastorik, Assistant CED Director/ Planning Director

ORDINANCE NO. _____

AN ORDINANCE ENACTING PART 7-6-600P AND SECTIONS 7-6-216, 7-6-220, AND 7-6-221 AND AMENDING SECTIONS 7-5-101, 7-6-101, 7-6-203, 7-14-104, 7-14-105, AND 7-23-210 OF THE WEST VALLEY CITY MUNICIPAL CODE TO CREATE THE RESIDENTIAL ESTATE AND A-2 ZONES, DEFINE REGULATIONS CONCERNING THESE ZONES, AND AMEND PROVISIONS GOVERNING THE REZONING OF PROPERTY WITHIN THE CITY.

WHEREAS, average home values in West Valley City are 36% lower than the Salt Lake County average; and

48
49 **WHEREAS**, West Valley City has a substantial shortage of “residential estate” housing
50 opportunities compared to other communities within the Salt Lake Valley; and
51

52 **WHEREAS**, West Valley City has less single family housing, more multifamily housing,
53 more tax credit rental units, and more mobile homes than comparable communities in the Salt
54 Lake Valley; and
55

56 **WHEREAS**, West Valley City has eleven percent of the households within Salt Lake
57 County, but has just 1.1% of the homes priced above \$250,000, which is a home affordable to
58 households with a median income level; and
59

60 **WHEREAS**, over 30% of West Valley City households can afford a home priced above
61 \$250,000, but the City has only 1.1% of the homes in the Salt Lake Valley in this price range;
62 and
63

64 **WHEREAS**, the Bureau of Economic and Business Research affirmed in independent
65 research that West Valley City has ample affordable housing and that the City should direct land
66 use and economic development efforts toward the creation of additional housing opportunities
67 for higher income households; and
68

69 **WHEREAS**, there is very little land remaining in the City that could address this housing
70 imbalance, making immediate action necessary; and
71

72 **WHEREAS**, the City Council desires to enact zoning regulations that support the
73 creation of residential estate properties of lasting value that will correct the housing imbalance
74 and offer a variety of housing choices to residents of the City; and
75

76 **WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is
77 in the best interests of the health, safety, and welfare of the citizens of West Valley City to enact
78 Part 7-6-600P and Sections 7-6-216, 7-6-220, and 7-6-221 and amend Sections 7-5-101, 7-6-101,
79 7-6-203, 7-14-104, 7-14-105, and 7-23-210 of the West Valley City Municipal Code as set forth
80 below.
81

82 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City,
83 Utah, as follows:
84

85 **Section 1. Repealer.** Any provision of the West Valley City Municipal Code found
86 to be in conflict with this Ordinance is hereby repealed.
87

88 **Section 2. Enactment.** Part 7-6-600P and Sections 7-6-216, 7-6-220, and 7-6-221
89 are hereby enacted as follows:
90

91 **7-6-600P PART 6 – RESIDENTIAL ESTATE ZONE (“RE ZONE”)**

92
93 **7-6-601. PURPOSE.**
94

The purpose of this zone is to provide areas in the City for large, estate lots for single family residential development.

7-6-602. PERMITTED USES.

The following are permitted uses in the RE Zone; no other permitted uses are allowed:

- (1) Agriculture
- (2) Community Uses
- (3) Home occupations – Minor, as defined in Title 7, Chapter 8.
- (4) Household pets
- (5) Signs (see Title 11 - Sign Ordinance)
- (6) Single-family dwellings
- (7) Temporary non-residential buildings
- (8) Uses customarily accessory to listed permitted uses

7-6-603. CONDITIONAL USES.

The following are conditional uses in the RE Zone; no other conditional uses are allowed:

- (1) Public utility installations (except lines and rights-of-way)
- (2) Home occupations – Major, as defined in Title 7, Chapter 8.
- (3) Planned unit developments that meet the requirements of 7-6-609.

7-6-604. MINIMUM LOT SIZE, FRONTAGE AND SETBACK REQUIREMENTS

- (1) The minimum lot size in the RE Zone is 12,000 square feet, except as provided in Section 7-6-609 of this Title. For single lot subdivisions, the single lot shall not be less than 15,000 square feet.
- (2) The average lot size in the RE Zone shall be equal to or greater than 15,000 square feet, except as provided in Section 7-6-609 of this Title. For the purposes of this Section, average shall be calculated as follows: total subdivision lot square footage number divided by the total number of subdivision lots.
- (3) The minimum frontage in the RE Zone is 100' wide.
- (4) The minimum front yard setback in the RE Zone is 30'. The minimum side yard setbacks in the RE Zone are 10'. Minimum side yard setbacks for corner lots are 20'.
- (5) The minimum rear yard setback in the RE Zone is 30'.
- (6) Accessory Buildings shall meet the setback requirements set forth in this Section 7-6-604, except for the rear yard setback, which is a minimum of 10' for Accessory Buildings.

7-6-605. LANDSCAPING STANDARDS

All front yards shall be landscaped and include adequate irrigation to maintain live landscaping.
All parkstrips and property between the 6' masonry walls and sidewalks shall be landscaped.

Landscaping shall include 3 trees per frontage per lot. All landscaping required in this Section 7-6-605 shall be installed and completed within 6 months of the issuance of the Certificate of Occupancy.

7-6-606. LANDSCAPING BONDS REQUIRED.

Landscaping bonds must be deposited with the City in accordance with 7-6-608 and 7-6-609.

7-6-607. PARKING RESTRICTIONS.

Parking required by this Title shall not be allowed within the minimum required front or side yard setback adjacent to a public or private street.

7-6-608. SUBDIVISION STANDARDS.

- (1) Only single family dwellings are permitted.
- (2) A Home Owners Association ("HOA") shall be established when one or more 6' masonry walls are required to be constructed. The HOA shall be responsible for the landscaping maintenance of the property between the 6' masonry wall and the sidewalk.
- (3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
- (4) Traffic calming features must be incorporated in the design of the streets.
- (5) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.
- (6) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
- (7) A landscaping bond in the amount of \$5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney's Office.

7-6-609. PLANNED UNIT DEVELOPMENT ("PUD") STANDARDS

The minimum lot size in an RE Zone may be reduced to 10,000 square feet for PUDs provided the following standards are met:

- (1) The average lot size for PUDs shall be equal to or greater than 12,000 square feet. For the purposes of this Section, average shall be calculated as follows: total PUD lot square footage number divided by the total number of PUD lots.
- (2) Only single family dwellings are permitted.
- (3) A Home Owners Association ("HOA") shall be established to maintain landscaping, parking areas, and other general maintenance of common areas.
- (4) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.

- (5) Traffic calming features must be incorporated in the design of the streets.
- (6) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.
- (7) A trail system shall be required. The trail system shall provide access to, through, and between common open space areas and extend to adjoining community amenities, such as public parks and schools.
- (8) A minimum of 20% of the total PUD development is required for common open space.
- (9) Unique streetscapes are required comprising of, but not limited to: specialty lighting; minimum 8' wide parkstrips; and narrow street widths.
- (10) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
- (11) A landscaping bond in the amount of \$5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney's Office.
- (12) Amenities must be included in the PUD, with the number depending on the size of the PUD. Potential amenities include, but are not limited to: clubhouse; community garden; swimming pool; sport court; playground; pocket park; water feature; and picnic shelter and barbeque area with seating.

7-6-216. A-2 ZONE.

The A-2 zone shall be identical to the A and A-1 zones in all respects and requirements, except for the minimum lot size. The minimum lot size for the A-2 Zone is 2 acres.

7-6-220. PARKING RESTRICTIONS.

Parking required by this Title shall not be allowed within the minimum required front or side yard setback adjacent to a public or private street.

7-6-221. SUBDIVISION STANDARDS.

- (1) Only single family dwellings are permitted.
- (2) A Home Owners Association ("HOA") shall be established when one or more 6' masonry walls are required to be constructed. The HOA shall be responsible for the landscaping maintenance of the property between the 6' masonry wall and the sidewalk.
- (3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
- (4) Traffic calming features must be incorporated in the design of the streets.
- (5) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.
- (6) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.

Section 3. Amendment. Sections 7-5-101, 7-6-101, 7-6-203, 7-14-104, 7-14-105, and 7-23-210 are hereby amended as follows:

7-5-101. ZONING AMENDMENTS.

(1) The City Council may, from time to time, on its own motion or pursuant to an application, amend the number, shape, boundaries or area of any zoning district, or any regulation of or within any zoning district or any other provisions of the zoning ordinances. Any such proposed amendment shall first be submitted to the Planning Commission for recommendation. Zoning amendments approved, or receiving a recommendation other than disapproval by the Planning Commission, will be considered by the City Council as provided in this Section. Applications disapproved by the Planning Commission shall not be considered by the City Council except upon written request by the applicant to the City Council, as provided in this Section.

(2) Before finally adopting any amendment recommended or approved by the Planning Commission, the City Council shall hold a public hearing.

(3) Property within City limits may only be amended or rezoned to the following zones: A-2, A-1, A, RE, C-1, C-2, C-3, BRP, MXD, CC and M.

7-6-101. ESTABLISHMENT OF ZONES.

For the purpose of this Title, the City is divided into ~~23~~ 24 classes of zones as follows:

Agricultural Zone:

A

A-1

A-2

Residential Zones:

RE

R-1-4

R-1-6

7-6-203. CONDITIONAL USES.

The following are conditional uses in the A, ~~or~~ A-1, and A-2 Zones; no other conditional uses are allowed, except as provided in Section 7-2-115:

~~(1) Condominiums; planned unit developments~~

~~(1)(2)~~ Day care/preschool centers in conjunction with a church

~~(2)(3)~~ Home occupations - major

~~(3)(4)~~ Residential facilities for elderly persons

~~(4)(5)~~ Public utility installations (except lines and rights-of-way)

~~(5)(6)~~ Radio and television transmission antennas, transmitting stations and related facilities

~~(6)(7)~~ Commercial raising, rental, stabling, training and grazing of animals

~~(7)(8)~~ Equestrian schools; horse riding schools; outdoor arenas

~~(8)(9)~~ Boarding kennels; sportsman's kennels; veterinary hospitals

~~(9)(10)~~ Turf Farm Equipment Manufacturing

7-14-104. DEVELOPMENT PLAN REQUIREMENTS FOR HOME OCCUPATIONS, REMODELING, AND CHANGE OF USE TO A PERMITTED USE IN AN EXISTING STRUCTURE ON A DEVELOPED SITE.

Application for home occupations, remodeling and change of use to a permitted use in an existing structure on a developed site shall be accompanied by and shall comply with the following:

- (1) Appropriate application form and fee.
- (2) Four copies of the Site Plan, unless a greater number of copies is required by the City due to the number of reviewing agencies.
- (3) The following design criteria shall be met:
 - a. Signage shall be aesthetically compatible with the building, as determined by the City. The setback shall comply with the applicable setback provisions of the Sign Ordinance.
 - b. Building additions shall be architecturally integrated with the existing buildings as to design and materials.
 - c. Any conversion of covered parking spaces to non-parking uses shall comply with the following standards:
 - i. Homes constructed prior to March 3, 1998 must provide a minimum of two (2) parking spaces per unit, located on hard-surfacing out of the front yard setback per Section 7-9-104 of the West Valley City Municipal Code.
 - ii. Homes constructed after March 3, 1998 and before the effective date of this Ordinance must provide a double car garage with interior minimum dimensions of 20 feet by 20 feet ~~per Section 7-14-105(3)(h) of the West Valley City Municipal Code.~~ Homes constructed after the effective date of this Ordinance must provide a three car garage with interior minimum dimensions of 20 feet by 30 feet.
 - iii. The replacement parking shall be completed prior to the issuance of a certificate of occupancy for the converted living space.
 - iv. The replacement parking shall be continuously maintained and readily accessible from a public right-of-way.
 - v. The access to the replacement parking shall be completed per Section 7-9-115 of the West Valley City Municipal Code.
 - vi. The garage door, and all necessary remnants, shall be removed and the garage door opening finished with building materials and design details to match the remaining house.
 - vii. If the converted area is to be used for living space, there shall be an internal doorway to the primary structure.
 - viii. Garage conversions constructed with a building permit prior to ~~the effective date of this Ordinance~~ December 29, 2008 are considered legal non-conforming uses.
 - ix. Garage conversions undertaken without a building permit, regardless of when it occurred, are considered illegal.

7-14-105. DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION OF A SINGLE- FAMILY OR TWO-FAMILY DWELLING.

Applications for new construction of a single-family or two-family dwelling in West Valley City shall be accompanied by and shall comply with the following:

(1) Appropriate application form and fees.

(2) Two copies of the Development Plan shall be required, which plan shall include a site plan and an architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures.

(3) The following design criteria shall be required:

~~a. Both the exterior building design and the exterior building materials of all buildings shall be of sufficient quality, durability, and resistance to the elements to satisfy the purpose of this Chapter. Exterior siding materials may include, but shall not be limited to, brick, concrete, glass, fiber cement, tile, stone, stucco and/or wood.~~ All exterior materials shall be 100% masonry. For the purposes of this Section, masonry shall only include brick, stone, and fiber cement siding. Thin brick, brick veneer panels, stone veneer panels and stucco are not allowed. Fiber cement siding shall not constitute more than 75% of the exterior material and the remaining 25% must be either brick or stone. All exterior materials shall be installed in a professional workmanlike manner and be guaranteed to be maintenance-free for at least 10 years. Finishes upon exterior materials shall be guaranteed maintenance-free for a minimum of five years. Materials or finishes without such guarantees shall not be permitted. Guarantees shall be in writing from the manufacturer.

b. Each dwelling shall have a site-built concrete, all-weather wood, or masonry foundation around the entire perimeter with interior supports as necessary to meet applicable building codes. The dwelling shall be permanently tied to the foundation system in accordance with applicable building codes.

c. The roof of each dwelling shall have a minimum pitch of 4 ~~6~~:12. At non-gable ends of the roof there shall be an overhang at the eaves of not less than 12 inches inclusive of rain gutters. For homes with cantilevered rooms, 60 percent of the total eave length of the home shall have an overhang of not less than 12 inches. The roof overhang shall be measured perpendicular to the vertical side of the dwelling. Laminated architectural shingles are required. Unfinished galvanized steel, tar, or aluminum roofing shall not be permitted. These pitch and overhang provisions shall not apply to porch covers, bay windows, or similar appendages.

d. Each dwelling shall be not less than 20 feet in depth at the narrowest point. The depth shall be considered to be the lesser of the two primary dimensions of the dwelling exclusive of attached garages, bay windows, room additions, or other similar appendages.

e. Any previously occupied dwelling which is to be moved from an existing location to a lot within West Valley City shall be inspected by the Chief Building Official of West Valley City, or his designated representative, prior to the move to insure that it meets applicable building codes.

f. Landscaping on residential lots shall comply with the following standards:

i. Landscaping shall be installed in front yards between the front line of the house and the sidewalk on the entire width of the lot excluding the driveway. On corner lots, landscaping shall be installed in all areas between the sidewalk and the side line of the house between the front property line and the rear property line which are visible from the public right-of-way.

ii. Landscaping shall include at least one tree and a combination of lawn, shrubs or groundcover. Deciduous trees shall be a minimum size of 2-inch caliper. Conifer trees shall be at least six feet in height. Groundcover may include vegetative vines, low-spreading shrubs, or annual or perennial flowering or foliage plants. Groundcover may also include mineral or nonliving organic permeable material in not more than 50 percent of the net landscaped area. Mineral groundcover may include such materials as rocks, boulders, gravel, or brick over sand. Species, size, and placement of landscape elements shall be determined by the homeowner, however, low-water use landscaping is encouraged.

iii. At the time the water supply line to a house is installed, the builder shall furnish and install a stop-and-waste valve with an access sleeve and capped mainline to the surface to facilitate future sprinkler system installation. The stop-and-waste valve may also be located inside the home with a mainline extended to the exterior of the foundation wall and capped.

iv. On lots over one-half acre in size, landscaping shall only be required on 80 feet of street frontage to the depth of the front yard setback. On corner one-half acre lots, 80 feet of frontage shall be landscaped on each street. The 80-foot frontage may include customary access drives.

g. In reviewing the construction and siting of homes in an approved subdivision, variation in exterior design and setback distance shall be required as necessary to satisfy the purpose of this Chapter.

i. In order to insure exterior design variation, the same or very similar exterior design, as determined by the City, shall not be allowed on adjacent lots, except in the case of twin homes where connected units may be the same.

ii. In order to insure variation in front yard setbacks, no more than two homes on adjacent lots shall be built at the same setback. The minimum front setback may be reduced for main buildings, but not for garages; however, the average front setback for all lots in the subdivision shall not be less than the minimum front setback allowed in the zone. The minimum offset between homes shall be not less than five feet and the minimum front setback on any lot shall be

not less than 23 feet. This requirement shall not apply to lots where the entire front property line is a curve with a radius of 100 feet or less. This subsection 3(g)(ii) shall not apply in the RE zone, which is governed by the setback standards set forth in Section 7-6-608.

iii. Any sides of a home facing a street, consisting of one material, shall include distinctive features intended to add significant variety and interest to the exterior surfaces of the home, such as pop-outs on windows, bay windows, quoins, color variations, texture changes or brick/stone decorative elements, etc. The minimum square footage of finished, above-ground, habitable floor space shall be ~~1,400~~ 2,000 square feet for ramblers and ~~1,600~~ 3,000 square feet for 2-story or multi-level homes, not including the garage, ~~unless increased by a development agreement or reduced by Section 7-14-105(3)(l)(xiii).~~

~~h. A double car garage with interior minimum dimensions of 20 feet by 20 feet shall be constructed in conjunction with the home. A 3 car garage is required, except that a 2 car garage is permissible when there is a 20' side yard setback adjacent to the garage and either the 2 car garage is side loaded or the basement of the dwelling is finished. The minimum interior dimensions of a garage shall be 20 feet by 30 feet for a 3 car garage and 20 feet by 20 feet for a 2 car garage.~~ Occupancy of the home shall not be permitted without the garage being completed. Where the garage is attached to the home and the garage door is facing the street, the width of the front of the house excluding the garage shall be at least 18' for ramblers and 15' for multi-levels.

i. Final grading of individual lots shall be performed in such a way that excess water shall be contained entirely on the site or directed to an improved street or directed to an approved drainage inlet, drainage channel or drainage easement. Excess water shall not be allowed to drain onto adjacent private property unless approved as part of an overall system, as reflected in the subdivision approval or otherwise. In order to more effectively direct storm runoff rain gutters shall be installed on all eaves of new dwellings.

j. In order to allow double driveways, and to allow hard-surface access to the rear yard, up to, but not more than, 40 percent of a front yard may be paved. Lots with duplexes, twin home lots, cul-de-sacs, or lots on major streets needing circular driveways may increase the hard-surface percent to 50 percent.

k. Lots with double frontage adjacent to a street with 80 feet or more Right-Of-Way, as defined in the Major Street Plan, shall have a solid, 6' tall masonry wall set back at least 10' from the closest edge of the sidewalk.

l. Primary buildings shall be designed and built with no more than two and one half stories above grade and shall be 30' or less in height. Accessory buildings shall be designed and built with no more than once story above grade and shall be 20' or less in height.

~~km.~~ All dwellings shall meet any additional state or federal requirements to be classified and taxed as real property.

~~Mn.~~ All ~~single family~~ dwellings must have at least one main (front) entrance consisting of a concrete stoop, landing, and (if necessary) steps and additional landings which provide direct access to grade.

~~No.~~ New ~~homes~~ dwellings shall be oriented toward the street. The primary architectural facade and front door shall be facing the street. On legally platted lots having a maximum 50-foot frontage, new homes may be oriented differently, provided they meet the following construction standards:

i. The side elevation of the dwelling facing the street shall include a minimum of two windows;

ii. The required ~~double car~~ garage shall be located to the rear of the main structure; and

iii. The main entry of the dwelling shall have a covered porch which shall be no less than 25 square feet in area.

~~l. The following requirements apply to all single family and two family detached dwellings as of the effective date of this ordinance:~~

~~i. All new subdivisions shall construct the highest quality model homes, promoting a variety of upgrade options, consisting of 100 percent masonry exteriors and with home size reflecting the average size expected to be built in the subdivision.~~

~~ii. New subdivisions not requiring a rezoning process shall construct homes with a minimum of at least 1,400 square feet for a rambler, and 1,600 square feet for a multi-story or two-story home, of habitable finished floor area. For the entire subdivision, the average shall be at least 1,600 square feet. For homes without basements, the minimum house size shall be increased by 100 square feet and the minimum garage size shall be increased to 24 feet by 24 feet or other storage arrangements shall be made as negotiated in a development agreement.~~

~~hip.~~ All ~~new homes~~ dwellings shall apply the point system enumerated below in Table 1 to the design of the home. The combination of different features shall equal or exceed 250 points for a rambler plan and 300 points for all other types of plans. Each dwelling shall include at least one feature from each of the following categories in Table 1: 1)Roofing Treatments; 2)Relief Treatments; 3) Material Selections for the Entire House; 4)Entry Features; 5)Garage Treatments; and 6) Windows.

~~iv. Included in the table are seven categories of architectural features. Each category includes several features and each feature has been given a certain number of points.~~

~~v. The combination of different features must equal or exceed 250 points for a rambler plan and 300 points for all other types of plans.~~

~~vi. When choosing architectural features from Table 1 to include in the home design, each home shall include at least one feature from each of the following categories: 1)Roofing Treatments; 2)Relief Treatments; 3) Material Selections for the Entire House; 4)Entry Features; 5)Garage Treatments; and 6) Windows.~~

~~viii.~~ If the point value of the items selected from each of the first six categories does not meet the minimum number of points required for the type of home to be constructed as set forth in paragraph (v) above, other features shall be added to increase the number of points equal to or above the minimum required for the type of home to be constructed.

~~Viii~~ ii. For homes with a side or rear façade that faces a street, architectural features, which total at least 70 points from Table 2, shall be applied to all street facing façades other than the front.

1. In the process of choosing architectural features from Table 2 to include on street facing façades, each home shall include at least one feature each from categories 2) Roofing Treatments and 3) Design Treatments.

2. If the point value of the items selected from each of the last two categories does not meet the minimum required, other features shall be added to increase the number of points equal to or above the minimum required.

~~ix~~ iii. The point systems described in Tables 1 and 2 may be superseded by a development agreement that includes requirements that would yield homes of equal or greater quality as determined by the Planning Commission and the City Council.

Table 1

1. Roofing Treatments (must use at least one)

Points

A. Dominant roof pitch of not less than 6:12

40

B. ~~Tile or~~ Laminated architectural shingles that simulate the depth of wood over the entire roof

30

C. Two or more gable ends on front elevation

20

493 D. Dormer windows on front elevation

494 20

495 E. Hip style roof on at least two ends or two or more roof planes/levels on front elevation

496 30

497 2. Relief Treatments (must use at least one)

498 Points

499 A. At least one foundation jog (not including the garage) on the front elevation

500 30

501 B. Bay or box window or other projection that is not part of the foundation on the front elevation

502 20

503 C. At least one cantilevered living area on the front elevation

504 20

505 D. Covered front porch that extends across less than 30% of the entire length of the front of the
506 house and is at least 5' deep with no less than 50 sq. ft. of usable, unobstructed space

507 30

508 E. Covered front porch that extends across at least 30% of the entire length of the front of the
509 house and is at least 5' deep with no less than 60 sq. ft. of usable, unobstructed space.

510 50

511 3. Material Selections for the Entire House (must use one)

512 Points

513 A. A brick or stone wainscot on the front elevation at least 30 inches high having a return of 24
514 inches around the front corners of the dwelling, with the remainder of the home in fiber cement
515 siding, including accent trim, which is a complimentary but different color from the primary
516 house color, around all windows and doors. ~~Stucco may be used as an accent material on features~~
517 ~~such as cantilevers, box windows, bay windows, dormer windows and gables, and is limited to~~
518 ~~15 percent of the entire home elevation.~~

519 30

B. A brick or stone wainscot of at least 30 inches high on the front and sides of the dwelling with the remainder of the home in fiber cement siding including accent trim, which is a complimentary but different color from the primary house color, around all windows and doors. ~~Stucco may be used as an accent material on features such as cantilevers, box windows, bay windows, dormer windows and gables, and is limited to 15 percent of the entire home elevation.~~

40

C. A brick or stone wainscot on the front elevation and brick or stone extending to the roof line on at least one portion of the front. Fiber cement siding on the remaining exterior of the home including accent trim, which is a complimentary but different color from the primary house color, around all windows and doors. ~~Stucco may be used as an accent material on features such as cantilevers, box windows, bay windows, dormer windows and gable ends, and is limited to 15 percent of the entire home elevation.~~

50

D. Full brick or stone on the front elevation with brick or stone wainscot on the side elevations with the remainder of the home in fiber cement siding including accent trim, which is a complimentary but different color from the primary house color around all windows and doors. ~~Stucco may be used as an accent material on features such as cantilevers, box windows, bay windows, dormer windows and gable ends, and is limited to 15 percent of the entire home elevation.~~

70

E. 100% brick exterior

120

4. Entry Features (must use one)

Points

A. Covered entry with columns having a minimum size of 1' x 1' for the bottom half of the column or similar features to frame and cover the front entry area

15

B. Covered front porch that extends across less than 30% of the entire length of the front of the house and is at least 5' deep with no less than 50 sq. ft. of usable, unobstructed space

0

C. Covered front porch that extends across at least 30% of the entire length of the front of the house and is at least 5' deep with no less than 60 sq. ft. of usable, unobstructed space

552 0

553 5. Garage Treatments (must use at least one)

554 Points

555 A. Front of garage located at least 5' behind front face of home

556 40

557 B. The width of the front of the house excluding the garage is at least 18' for ramblers and 15'

558 for multi-levels

559 0

560 C. Side entry garage

561 40

562 D. Three car garage where one of the spaces is located at least 1.5' behind the other two garage

563 spaces (may not be used in combination with item E)

564 60

565 E. Three car garage (may not be used in combination with item D)

566 40

567 F. Detached or alley loaded garage in the rear yard

568 40

569 G. Usable open space with a trellis or roof (covered porch) above the garage extending to or

570 beyond the front face of the garage

571 40

572 H. Garage flush with the front of the house or located less than 5' behind front of home

573 20

574 6. Windows (must use at least one)

575 Points

576 A. One or more non-rectangular (round, oval, arched, etc.) windows used on the front elevation

577 not including any window used to meet items C, E or F below. Each window counts as 5 points

578 up to a maximum of 10 points.

579 5

580 B. Windows of any size used on the front elevation (does not include any windows used to meet
581 items C, E or F below). Each window counts as 5 points up to a maximum of 40 points

582 5

583 C. Accent window over the entry area

584 5

585 D. Decorative window shutters on front elevation. Each set of shutters counts as 5 points up to a
586 maximum of 20 points.

587 5

588 E. 12” or wider sidelight to expand the size of the entry

589 5

590 F. Windows in the garage door

591 10

592 G. At least two windows on front elevation have a pattern or design (grid)

593 10

594 H. All windows on the front elevation have either a header, sill or trim with depth (If trim is
595 used, it may not be used in combination with items 3A, B, C or E above)

596 10

597 7. Additional Design Selections

598 Points

599 A. ~~Stucco or p~~Precast quoins on at least two corners on front elevation

600 10

601 B. ~~Stucco or p~~Precast keystones (at least two on front elevation)

602 10

603 C. Knee braces on at least the front elevation

604 10

605	D. Change of color on exterior materials (excluding doors, shutters, trim, roof material or
606	material changes)
607	10
608	E. Exposed joists on at least the front elevation
609	10
610	F. Fiber cement siding with a highly visible texture or pattern (examples include “fish scale” and
611	“shingle”) on front elevation
612	20
613	G. Siding applied horizontally and vertically on front elevation
614	20
615	H. Gable returns on front elevation
616	20
617	I. Porch and/or front stairway has a decorative railing
618	10
619	J. Decorative vent (must include either a pop-out or trim around the vent). Each vent counts as 5
620	points up to a maximum of 15 points.
621	5
622	K. 6” or larger, decorative roof fascia
623	10
624	L. 100 sq. ft. of finished floor space above the minimum required areas which are 1,400 <u>2,000</u>
625	sq. ft. for ramblers and 1,600 <u>3,000</u> sq. ft. for multi-levels (homes without basements do not
626	qualify for this item). Each 100 sq. ft. above the minimum counts as 10 points up to a maximum
627	of 40 points.
628	10
629	Table 2
630	1. Relief Treatments
631	Points

632 A. At least one foundation jog that is at least 10' long and is no more than 20' deep

633 40

634 B. Bay or box window or other projection that is not part of the foundation

635 30

636 C. At least one cantilevered living area

637 30

638 2. Roof Treatments (must use at least one)

639 Points

640 A. A minimum 6" overhang at the eaves on gable ends

641 10

642 B. Dutch hip on a gable end

643 10

644 C. Hip roof instead of a gable end

645 20

646 D. One or more gables on rear façades

647 20

648 E. Two or more gables on side façades

649 10

650 F. One cross gable on side façades

651 10

652 G. Two cross gables on side façades

653 20

654 3. Design Treatments (must use at least one)

655 Points

656 A. One or more windows that are at least 3 sq. ft. each in area (does not include windows in
657 garage doors, bay windows, box windows or windows that are in or partially in window wells).
658 Each window counts as 10 points up to a maximum of 50 points.

659 10

660 B. Trim around each window for homes with fiber cement exteriors

661 10

662 C. Decorative vent (oval, octagonal, or arched)

663 10

664 D. Decorative window shutters

665 10

666 E. ~~Stucco or p~~Precast quoins on at least two corners

667 10

668 F. ~~Stucco or p~~Precast keystones

669 10

670 G. Knee braces

671 10

672 H. Change of color on exterior materials applied to at least 20% of the façade (excluding doors,
673 shutters, trim, roof material or material changes)

674 10

675 I. Change of material (i.e. brick or stone wainscot) applied to at least 15% of the façade

676 30

677 J. Exposed joists

678 10

679 K. Fiber cement siding with a highly visible texture or pattern (examples include “fish scale” and
680 “shingle”) applied to at least 15% of the façade

681 10

L. A 6' solid visual barrier fence that extends across at least 50% of the length of the façade where the base of the home is no higher than 2' from the base of the fence.

20

M. For side façades, a front porch that extends to the street facing side façade

10

x. All new subdivisions involving a rezone of property, or a PUD, shall participate in a development agreement that addresses housing size, quality, exterior finish materials, streetscapes, landscaping, etc. The standards outlined in Section 7-14-105 (3)(l)(iii) shall be used as a minimum in all development agreements to address housing quality and exterior finish materials. These standards may be increased for a PUD. ~~As part of a development agreement, if homes are permitted with less than 1,600 square feet of finished floor space, the quality of the home and the amount of masonry exterior finish materials shall be increased. For the entire subdivision, the average shall be at least 1,600 square feet. For homes without basements, the minimum house size shall be increased by 100 square feet and the minimum garage size shall be increased to 24 feet by 24 feet or other storage arrangements shall be made as negotiated in a development agreement.~~

xi. Individual Residential Zone requirements and standards may be modified if the developer as part of a development agreement, or the builder as part of a building permit, agrees to increase the average house size by 200 square feet of finished floor space ~~and agrees to 100 percent masonry exteriors.~~ Where fiber cement siding is used, it must be accompanied by a full perimeter brick or stone wainscot of at least 30 inches high. Standards that may be reduced include side yard setbacks (no less than 6 feet nor less than a total of 16 feet for all zones except R-1-4), and lot widths up to 15 percent except the R-1-4 zone. Lot width reduction shall be limited to twenty five percent (25%) of the total lots within a subdivision.

~~xii. This subsection shall apply to all new subdivision applications, including Planned Unit Developments, filed after the adoption date of this ordinance.~~

~~xiii. Infill properties of under 2 acres, where infill is defined as properties surrounded by existing older homes not meeting the standards of the ordinances, may reduce home size to 1,350 square feet if a development agreement is not required. Infill homes under 1,400 square feet shall be constructed of 100 percent masonry exteriors. Where fiber cement siding is used, it must be accompanied by a full perimeter brick or stone wainscot of at least 30 inches high.~~

~~m. All single family dwellings must have at least one main (front) entrance consisting of a concrete stoop, landing, and (if necessary) steps and additional landings which provide direct access to grade.~~

~~n. New homes shall be oriented toward the street. The primary architectural facade and front door shall be facing the street. On legally platted lots having a maximum 50-foot frontage, new homes may be oriented differently, provided they meet the following construction standards:~~

~~i. The side elevation of the dwelling facing the street shall include a minimum of two windows;~~

~~ii. The required double car garage shall be located to the rear of the main structure; and~~

~~iii. The main entry of the dwelling shall have a covered porch which shall be no less than 25 square feet in area.~~

7-23-210. PERMITTED AND CONDITIONAL USES--PREFERRED SITES FOR COMMUNICATION FACILITIES.

(1) The following table lists the zones in which communications facilities are permitted and conditional uses:

Commercial, Manufacturing, and Agricultural Zones (Non-Stealth)
(P=Permitted; C=Conditional; X=Not Permitted)

Zone	Wall Mount	Roof Mount	Monopole (\leq 2' wide)	Co-Located Tower
A	P	P	C	C
A-1 & A-2	P	P	C	C
C-1	C	C	X	X
C-2	C	C	C	C
C-3	C	C	C	C
B/RP	C	C	C	C
M	P	P	P	P

Section 4. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

750

751 ATTEST:

752

753

754

755

756

CITY RECORDER

757

Minutes from the June 10, 2015 Planning Commission Public Hearing

The following minutes are verbatim.

ZT-3-2015

West Valley City

Adding and amending several sections to create the A-2 and RE zones, enact land use regulations within those zones and enact regulations regarding the rezoning of property

This application was continued by the Planning Commission during the May 13th public hearing to allow more time to evaluate the application.

At the direction of the City Council, this application proposes an amendment to the zoning ordinance that would:

1. create the A-2 (agriculture, minimum lot size 2 acres) zone and the RE (residential estate, minimum lot size 15,000 square feet) zone,
2. enact regulations within the A-2 and RE zones and
3. enact regulations regarding the rezoning of property.

A copy of the proposed amendments is included with this report.

The new A-2 zone would be identical to the A and A-1 zones in all respects and requirements except for the minimum lot size, which is proposed at 2 acres. A property zoned A-2 could be developed under the 2 acre format or the property owner can submit an application for a zone change to the RE zone if smaller lots are preferred.

The new RE or residential estate zone addresses permitted and conditional uses; minimum lot size, frontage and setback requirements; minimum housing standards; height restrictions; landscaping standards; parking restrictions; subdivision standards and PUD standards for the zone. This zone establishes a minimum lot size of 15,000 square feet and housing standards to provide areas in the City for larger lots than are currently found in the City for single family residential development. The housing standards in the RE zone supersede the housing design standards or point system found in Section 7-14-105.

The proposed ordinance amendments also includes the following regulation: "Property within City limits may only be amended or rezoned to the following zones: A-2, RE, C-1, C-2, C-3, BRP, MXD, CC and M. If adopted, this provision would prohibit zone changes to any of the following zones: A, A-1, R-1-4, R-1-6, R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, R-2-6.5, R-2-8, RM, RMH and RB. In other words, all new residential only developments within the City that have not already received entitlements would be developed either in one of the "A" zones or in the RE zone if such rezone request is approved.

The City Council has long been concerned about the shrinking amount of available land for residential development and the lack of high end or executive type housing in the City. Included with this report is a map showing home values across Salt Lake County and a document entitled "Talking Points for Housing Standards." This map and document help illustrate the Council's concerns. To address these concerns, the Council passed a temporary land use regulation or

moratorium of zone changes to any residential zone on October 7, 2014. This moratorium, which became effective on October 14, 2014 was in effect for six months.

During the moratorium staff had several discussions with the City Council to explore ways to address the lack of high end housing in the City. After considering different options, the Council directed staff to submit applications for them to consider the proposed ordinance revisions and the rezone of 741 acres of property to either A or A-2 depending upon the size of the property. The proposed zone changes are addressed in application GPZ-1-2015. Of the 22,930 total acres within the City, the 741 acres represents about 3% of the City. Of the 40,192 total housing units in the City, 27,180 are single family detached homes.

Beginning in the late 90's, the City has made several ordinance changes to promote higher quality housing. A list of these changes is found below:

- 1998 – The minimum house size was increased from 900 square feet to 1,200 square feet, two car garages were required and the City started to use development agreements.
- 2002 – The minimum house size was increase to 1,350 for ramblers and 1,500 square feet for multi-levels, 35% masonry was required on exteriors and the use of development agreements was required for all developments involving rezones or a PUD.
- 2005 - The City Council adopted architectural standards in the form of a point system for single family detached homes.
- 2006 – The City Council adopted architectural standards for multi-family residential development and the minimum house size was again increased for single family homes to 1,400 square feet for ramblers and 1,600 square feet for multi-levels.
- 2008 – A new City department, Community Preservation, was formed with a primary focus of improving property maintenance.
- 2014 – The City Council updated the architectural standards to require more architectural features.

During the Planning Commission study sessions that followed the May 13th meeting, the Commission discussed possible revisions to the proposed ordinance change. The possible revisions centered around the following two questions:

- Should the restrictions on future zone changes be modified?
- Should the housing standards be modified?

Based on study session discussions, it appeared that the Commission would recommend modifications to both the restrictions on future zone changes and the housing standards. Several potential modifications were discussed and these modifications are summarized in the staff alternatives below.

Staff Alternatives:

1. Approval of the ordinance amendment as written.
2. Approval of the ordinance amendment subject to the following revisions:
 - a. The following zones are added to the list of allowed future zone changes in Section 7-5-101: RB, R-1-10, R-1-12, R-1-15, R-1-20, A and A-1.
 - b. The housing standards outlined in Section 7-6-605 are made to apply to all new single family homes. With the exception of the minimum house size (item 1 from

Section 7-6-605), these standards could be modified through a development agreement.

3. Approval of the ordinance amendment subject to the following revisions:
 - a. The following zones are added to the list of allowed future zone changes in Section 7-5-101: RM, RB, R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, A and A-1.
 - b. The minimum house size (item 1 from Section 7-6-605) and masonry wall requirement (item 3 from Section 7-6-605) are made to apply to all new single family homes. The remaining standards from Section 7-6-605 are discarded and the existing point system in Section 7-14-105 is used to address exterior materials and design features.
4. Continuance, for reasons determined during the public hearing.
5. Denial.

Applicant:

West Valley City

Opposed:

Tom Giovengo
3850 S 5600 W

Opposed:

Mary Jayne Newton Davis
6685 W Feulner Court

Opposed:

Janice Fisher
6411 W 3785

S

Opposed:

Eric Bishop

Opposed:

Tiffani Peterson

Opposed:

John Betts

Opposed:

Robert

Farnsworth

44 Wanderwood Way

4301 W 4570 S

3920 S 5200 W

7776

Oakshadow

Sandy, UT 84092

Opposed:

Greg Fabiano
8121 Copper Canyon Way
West Jordan, UT 84081

Opposed:

Curtis Haviland
3348 S 6400 W

Opposed:

Maryann Farnsworth
3696 S 5600 W

Opposed:

Fred Brock
4411 W 4415 S

Opposed:

Tom Pearce
3525 S 6800 W

Opposed:

Dave Newton
2201 W 700 S

Discussion (verbatim)

Barbara Thomas

Welcome back for many of you. And those who weren't here a month ago, welcome again. We do feel it's important that we go over some of the information again but we don't want to give everything to you. Just give you an example, a man went to church, he was the only one at church and the preacher didn't know what to do. Decided to give the hour long sermon anyway. After the meeting, he said how was it? He says, well, if I went out to feed the cows and only one cow showed up, I wouldn't give him everything on the truck. So Steve has abbreviated the

presentation. If by chance you still have questions though you are certainly welcome to step up to the podium and ask for clarification. Thank you Steve. I thought I'd get at least one chuckle or something out of that folks.

Steve Pastorik

So the first application is a change to the City's ordinance. And since our last discussion on May 13, or public hearing on May 13, the Planning Commission's had a couple study sessions where this issue's been discussed. And again, at our prior meeting we did describe what's actually being proposed in the ordinance so what I thought I'd do today would be just to discuss the alternatives that we discussed in our study meetings. And again if there's any questions about what's proposed I can certainly go back and review that. As far as the alternatives the Commission discussed, one would be of course to recommend to the City Council that the ordinance be approved as it's proposed or as written. The second option was to consider, or make a recommendation to the Council, that certain provisions be changed and let me talk specifically to those. So one of the provisions in the ordinance is that it limits the future rezone possibilities to a limited number of zones. In terms of residential, it really zeros in on the new RE or Residential Estate Zone. Under this second option, it would expand the list of zones that would be allowed under a future rezone to include residential business zone which is more of an office type zone. It would also include the R-1-10, R-1-12, R-1-15, A, and A-1. So again if the Commission were to recommend this scenario there would be additional zone change options in the future. The second revision that's suggested under the second option would be that the standards for things like the brick requirement or the laminated architectural shingles, so the housing standards, could be modified as part of a development agreement. So when someone comes in to rezone a property to subdivide and develop they could request that some of those provisions be modified through a development agreement. So that's one alternative that was discussed. The third approval option for the ordinance change would be to further expand the list of zones that could be requested so in addition to the ones I mentioned previously it would include the RM, or multi-family residential zone and the R-1-8 zone. So again to summarize it would allow RM, RB (residential business), R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, A, and A-1. So those would be options for future rezones should this be recommended and approved eventually. And then the other, along with this third option, the other change would be that instead of putting in the new standards like the brick requirement and the laminated architectural shingles the City's existing point system, or design standards for single family homes, would be used in lieu of that. So with that are there questions on the alternatives that were discussed earlier that are in the staff report?

Barbara Thomas

There was a lot of talk last time about an RE zone, residential estate, has that been taken out or is that covered through the others, any one of these others?

Steve Pastorik

So that would still be included, it would just be an option but then with this, the two alternatives that I just outlined, would allow other zones as a possibility in addition to the RE zone.

Barbara Thomas

Okay. Other questions? Okay. Is there anyone who wishes to speak to the zone text change? Okay. Mr. Giovengo and then the lady in the... you'll be second.

Tom Giovengo

Tom Giovengo, 3850 S 5600 W. You know I really don't this is a good idea. You're downzoning everybody. In my particular case I have master plan R-1-6, R-1-8, right now it's zoned agricultural and master planned also residential business. Now everybody else, other people on our street, head over on 6400, have got R-1-10, R-1-8's, R-1-6's and they're all going to go RE or A-2, excuse me. Agricultural 2 acres. Now what is the City going to do if all these people sent \$500 and hired an appraiser and go back and say ok this land is now worth 1/3 to 1/2 of what it was before. You got a problem there. You gonna have less tax money coming in. And if we go on to the HOA, the other thing nobody's talking about, in this ordinance every new subdivision has to be an HOA or a PUD. I don't know if anybody here has ever lived in an HOA but they're not all they're cracked up to be. They're private roads so you have 2 inches of asphalt on roadway instead of 4 inches that break apart in a year or two. The City shirks its responsibility of having to maintain these roads and plow them and patch them. For this you get to pay the same property tax plus the benefit of being able to pay \$100-\$200 a month which if you got a \$1,200 house payment, another \$200 a month HOA fees is ridiculous. At least if it's in property tax the homeowner can deduct the property tax from their taxes where an HOA fee it's just gone. Yeah, it's nice someone will mow the lawns. I've had 2 or 3 HOA's that I've had property in. One of them I paid 30 bucks a month down in Provo. To this day I have yet to figure out what that \$30 was for. They didn't have a clubhouse, they didn't have anything. They had a road built that was two years old and cracking up, ready to fall apart. But I don't know what the \$30 for. So the City makes out because they don't have to pay maintenance to the road or plow the road, anything. And yet they collect the same property tax they always do. Possibly if this passes, people could look at holding a mass recall, bout recall for the Planning and Zoning and City Council. I mean that's the only option if you folks don't listen to what the people, the citizens, want. But remember you're also penalizing the future residents of this town when they move into a new subdivision and they're forced to live in an HOA or a PUD. Thank you.

Barbara Thomas

Thank you Mr. Giovengo. Steve do you want to just explain how a PUD fits into this?

Steve Pastorik

Sure so under the RE zone a PUD is an option but it's not required. So if someone was doing a PUD where you'd have private streets and common area that needs to be maintained, in a

situation like that an HOA would be required. But if you're doing a standard subdivision then it would not be required. Just to make that clarification.

Barbara Thomas

Thank you. Mam?

Mary Jayne Newton Davis

Good afternoon. I thank you so much for hearing us again. Commissioners, thank you. City Planners, thank you. And we thank the City Council as well. I thanked the Mayor, as I just met him in the hall before the meeting, and told him how grateful we were that you cared enough to spend your time and energies working on this because there is no doubt...

Barbara Thomas

Do you want to give us your name and address?

Mary Jayne Newton Davis

I'm sorry, I always forget. I always think you just know me. I'm Mary Jayne Newton Davis. 6685 W Feulner Court, 84128. Okay so back to my gratitude and that of my family and all of the residents. We are grateful. You are spending a lot of time working on a problem that has been created for many years. It seems clear that we share your same goals, we do. We want the City to be upgraded. We want to have better. So we support you in these goals. We commend you and support you. It's clear that West Valley City has more than its share of starter homes and cookie cutter concepts. I hear this terminology used often, cookie cutter concepts. However it is the opinion of some people, not just me, but others who are invested in land and neighborhood issues that A-2 as it was presented to us last time does exactly the opposite. It is an overcorrection of the problem. It limits instead of correcting. It stifles the creativity and the ingenuity and the vision of land owners. City Planners, developers, and our future neighbors, we want to be involved in the planning of the City. We want to not only support you but we want to enhance your efforts and we want to enhance our City. The A-2 zone as it was presented to all of us last time is a rigid construct. It actually denies the possibilities of what could occur. But by adding new dimensions and, as Steve just explained, possibly R-1-8's, R-1-10's, R-1-12's, and maybe up to and including the 1/3 acre lots that was discussed at the last meeting, then you have possibilities to build on, to create. For instance, our property, the Newton Farm, is bordered on the south by homes that were built in the 50's and they're lovely. That neighborhood is very well kept. It is bordered on the north by another development that was built in the 90's. Most of those homes are fairly well kept. Yet through the years, both these neighborhoods have loved that open space, which of course you know from previous meetings we cannot keep forever, to this day enjoy a deep sense of comradery and collegiality, they do. They're close neighborhoods, they act together in many, many instances. But A-2 as it was previously scripted would be divisive. It would do exactly the opposite. We would like to see you embrace the opportunities for variation in order that we will have cohesion on these properties so that we can create neighborhoods that can come together. 2 acre lots or even 1/3 acre lots seem to be that division. We need something that enhances the City and blends neighborhoods in it and unifies these decades old friendships

in this area. So if we no longer welcome the cookie cutter concept, then A-2 should be re-scripted. It should allow some of the things that Steve talked about and suggested. As each property is unique unto itself, it should be celebrated as such. It should be celebrated as a larger part of the City that also blends and brings about a sense of community. So again, thank you very much for your efforts and thank you for hearing us.

Barbara Thomas

Thank you. Janice and then this gentleman over here and then the lady in black and then you. Now you're in charge of keeping track.

Janice Fisher

Thank you. You should never follow an English teacher on a presentation. But my name is Janice Fisher, 6411 W 3785 S, West Valley City, UT 84128. I do have an interest in the Newton property itself because it's just a few hundred yards from where I live. I live on the south of the Newton property. I want to thank the Planning Commission, forgive me if I'm redundant to what some of things Mary Jayne said. I want to thank you more seasoned members of the Planning Commission and I see new faces, it's wonderful. And thank you to the staff because they work incredibly hard on this kind of a process. And I want to thank the property owners for getting involved and being willing to work with everybody in finding a solution to this situation. If we had a brand new City, this change may make sense. But to put such a wide brush on all of this property puzzles me. A-2 may make sense on the north end and many of our neighbors are here that I dearly love that live on the horse property to the north of... in the north sector of this overall planning change. And then there's us that live on the south end. A-2 zoning may make sense on the north but A-2 on the Newton property will devalue our property and will make it hard for us to enjoy our homes that we've lived in for many years. The Newton's property is between, as Mary-Jayne said, between subdivisions with R-1-8 and R-10, if you put horses, and it is my understanding that the A-2 allows horses, if you were to put a horse on the Newton property in particular, the rest of us won't be able to use our backyard or our BBQ's or even sit on our porch because of the odors and the flies. I admire people that have animals because horses are beautiful animals and that. But for us who don't have them, we prefer not to share the experience. I agree with the evaluation that I've heard that every piece of property left in the City should be considered on its own merits. Especially these beautiful pieces, these inner pieces in the City that have such a wonderful potential. I appreciate the Newton's for wanting to raise the bar and we all remember that from a few years ago. Anyway to raise the bar, want to have larger homes on larger lots but including the A-2 in this, in this particular piece of property to me is, you know, I don't like it. But anyway, I just want to restate this that I believe every piece of property left in the City that asks for a rezone or a master plan change should be considered on its own merits. I hope that you will deny this rezoning today, or this master plan change. I want to thank you all again for the service that you give this City.

Barbara Thomas

Thank you. Oh no I have the guy behind you. You're going to be after this fellow right here.

Harold Woodruff

Could I ask Steve a question while this gentleman's coming up? To help me get a better grasp of what was said by these individuals, what is the minimum acreage for A-1 and A zones?

Steve Pastorik

Sure, so the A zone is a minimum half acre lot and A-1 is a minimum one acre lot.

Harold Woodruff

One acre. And then in previous meetings, it's been this A-2 zone's been referred more to as a holding zone and not really intended to develop as A-2. Did I get the right impression of that?

Steve Pastorik

Right. Those properties that would be A-2, it's expected eventually those would be rezoned and developed at some point in the future. Single family most likely. As the ordinance is written now, the zone that would be an option would be the RE zone which is the 1/3 acre lot essentially.

Harold Woodruff

Thank you.

Barbara Thomas

Thank you. Go ahead.

Eric Bishop

Hi my names Eric Bishop, 44 Wanderwood Way, Sandy Utah 84092. I'm here to talk about the property, it's about 15.6 acres at about 4500 S and 2700 W. It's immediately across the street to the west from UDOT and American Express, that area. I don't know Steve if now's a good time to address questions or if I just throw a question out and you can address it later. I don't know how the protocol works. This particular property under the current master plan is called out for medical office or medium density residential. We've owned the property for several years and have tried marketing it as office and medical and based on input from various brokers, there's just not any demand in the area for office or medical uses. So we've been focusing our energies more recently, in the recent years, on medium density residential. So my first question Steve is under the expanded uses scenario, the third option that you described with a PUD and RM, does that cover a medium density type use?

Steve Pastorik

Yes it would.

Eric Bishop

Would it? Then my next question is what really is inherently different then from the existing zoning ordinance that provides for those kind of uses and this new ordinance that's being proposed, again with the expanded option in place.

Steve Pastorik

So you'd still have certain zones that would be restricted so for example R-1-4, so very small lot single family, R-1-4, R-1-6, we have some duplex zones that would be excluded. So there's still some zones under that third option that would still be excluded.

Eric Bishop

And so that would be defined and then changed in the master plan, I'm assuming?

Steve

Basically it's defined in the ordinance.

Eric Bishop

Years ago I came across a really interesting phenomena that still do this day really makes me chuckle. As I would talk to farmers down in Utah County, this was probably 10 years ago, if they heard that property on University Blvd sold for \$15 per square foot, they thought their property ought to sell for \$15 per square foot. It was most bizarre experience and they would do it with a straight face. I'm sure they chuckled after I left you know what I mean because it was entertaining. This is the kind of same phenomena when you try to treat all property the same, it's not common sense based on location, features, and surrounding properties and things in the area. Each property uses really should be determined based on the existing use and location. Which really just the whole, one of the basic principles of real estate and real estate analysis and planning. This particular property 4500 S and 2700 use to be a burrow put for UDOT when they were building I-215. If you were to look at the site, on the south side, it's probably 6-8 feet below the existing subdivision to the west and on the north side it's easily 15-20 feet on the existing below the existing subdivision to the west. And on the north side it's easily 15-20 feet below the exiting subdivisions on the north and west of it. So there are no connections coming from the existing residential areas, and my recollection, correct me Steve if I'm wrong, my recollection is that the surrounding subdivisions to the west and north are 5-8,000 square foot lots, something in that range. Then obviously you have American Express and UDOT's complex across the street on 2700 W. 2700 W is planned to be a major arterial in the street with future Bus Rapid Transit plan to go on 2700 W. So the idea from going from 5-8,000 square foot lots to larger lots and then transition across the street to office and higher traffic type uses, you know for day use, just doesn't make sense form a planning standpoint. Typically you'd want to go from lower residential uses to some kind of a transition use, in this case we'd propose medium density residential to a higher intense use. In a typical planning you'd look at each property on a case by case basis and apply criteria like that. Again, this particular piece doesn't really lend itself to large lot residential. Again there aren't really any connections to the existing residential property as well. Are you all familiar with this piece? Do you have any questions or comment with reference to it?

Jack Matheson

Ya... Eric, that's a really kind of a tough piece. We know exactly where that is. We seen a couple of proposals over the last couple of years for that. I'm just wondering what happened to the medium density residential?

Eric Bishop

The couple part we brought in we're hopeful of trying to get some higher density beyond the 12 units per acre because it is such a unique piece of property. That was discouraged so they went away. We do have another group, we are about to file on application in that, again, medium density range. Now we're not able to file the application because of that. That's kind of what we thought would be an ideal use there. I'm not sure...

Jack Matheson

Well actually that's the way I feel too is that you may not even get R-1-8 houses there because it is such a hard use. Certainly you're not going to get these residential estate houses being built in that area.

Eric Bishop

Which again is just another underlying argument against the proposed existing zoning proposal that's before you. Just doesn't make sense to apply that kind of standard that may work in other parts of the City to a real difficult piece of property like this one because of the traffic, location, and the existing uses around it. Unless there are other questions or arguments. I guess just in closing, obviously we as property owners would strongly and vehemently recommend that you deny the existing application that's before you so that we can maintain the existing use. If there were a compromise, I guess it would be go with this 3rd option although I don't know what we understand well enough to know if it would maintain the ability get 10, 11, 12 units per acre, something like that in that kind of range under either RM or PUD.

Steve Pastorik

Would you like me to address that? So if, again, under that third option you could request the RM zone which would allow for townhomes. Now of course like any other zone change request that would have to go through the normal process, go through Planning Commission and City Council but that would be an option, under that 3rd scenario

Eric Bishop

You know this really is a difficult matter in front of you so hats off to you for tackling it and addressing it and again from a land owner's perspective, again we'd recommend that it be denied. Or a recommendation of denial go over to the City Council. So again, thank you very much.

Barbara Thomas

Thank you Mr. Bishop. The lady with the black sweater.

Tiffani Peterson

Hi, my name is Tiffani Peterson and I'm with the group real estate. I'm actually representing home owners. The parcel is 4301 W 4570 S, the Harmon family? They have owned their parcel for more than 40 years. We have it currently listed and I have shown it to both single families looking for horse property and I've shown it to developers or different people interested in development. I currently have an offer but the buyers due diligence will be based on the decision you will make. If the RE zone moves forward without any opportunity for variances or adjustments for a 5 acre infill parcel, they're, let me stop for a second. If it moves forward without any of those type of variances with just the one size fits all approach, it won't make sense for a parcel like this. There are homes in the surrounding area that fit some of the characteristics that this new RE zone has. The three car garage, the homes I'm thinking of just because I'm looking at real estate actual actives under contracts and sold's. Some of the homes do have a 3 car garage, they're stucco instead of brick, but they're similar in characteristic to what you're looking to do. But these homes sit... the home I'm really thinking of sits on 7860 square feet. Certainly not the 15,000 square feet lot we're looking at. What we would just like to say is that you really think about it that part of what adds value to a community is the diversity in both the homes and its people. We hope that when you take a look in creating and establishing this new standard that you really don't take the one size fits all approach but look at each parcel individually and what that parcel can do to support and improve its neighborhood.

Barbara Thomas

Thank you Ms. Peterson. Questions? Okay. Sir? You are next.

John Betts

John Betts, 3920 S 5200 W. I'm here representing Glen Brock who would love to be here but just simply isn't able to be here. I also urge you to vote against these proposals as they're currently written. Part of a broken record here, I believe that what you've done is you've taken all of these, the remaining land parcels in the City, and thrown them all under one big basket as if you can treat them all the same and you just can't do that. They're not the same. Each parcel has its own characteristics, its own circumstances, its own potential for development. I believe they need to be looked at on an individual basis. For example, Glen Brock's property is approximately 10 acres and it is completely surrounded on all sides by your typical 8-9,000 square foot lot with a \$180,000 sitting house on it. I'm not trying to discourage anyone. Mine is one of those houses. Mine is a \$180,000 house sitting next to Glen. What I would want you to consider would any developer take a 10 acre island surrounded by that housing and put \$400,000 homes on it? No. Just isn't reasonable. I think you need to look at each individual parcel as an individual parcel, look at its potential development and as proposals come to you to develop that land, look at them carefully. If they don't raise the bar, reject them. Secondly, and this is again a

little more personal, we heard last month from someone in the real estate industry that these proposals would devalue properties somewhere between 35-50%. I want you to again consider Glen's 10 acres and put a dollar bill, you in your head, on that 10 acres, and then reduce it by 35% or 50%. What kind of hit is Glen taking? It's not a few thousand dollars, it's not 10's of thousands of dollars, its hundreds of thousands of dollars. Hundreds of thousands of dollars. If you spread that kind of a loss across all 750 remaining acres, you are looking at potential losses to these land owners of millions of dollars. Would the City develop or be involved in a developement that they knew was going to cost them, or they were going to lose, 20 million, 30 million dollars on? No they wouldn't, so why are you asking land owners to take that kind of a hit. I just don't believe that's correct or right. It's been suggested that the only way to build quality housing is if you build a big house on a big lot. I don't believe that's the case. I don't believe millennials, if that's who you are trying to attract, are looking for big lots. Those are folks who want to work hard and play hard. They don't want to spend their entire weekend doing yard work. They want to spend their weekends on the lake, in the mountains, on the golf course, on their 4 wheelers, whatever. They don't want to spend it in the yard doing yard work. They don't want 15,000 square feet they have to take care of. We've heard the City Council say that this is the best way to protect the City and the remaining undeveloped property. I don't believe that's correct. I believe again that if you consider proposals as they are brought to you carefully, consider whether or not they raise the bar. We are not asking you to abandon your vision for the City. We're asking you to find another way. Having a vision for this City is partial of what you do and part of what the City Council does. All we need to do look across the street to see some amazing success in that. I think you need to be applauded for that. However in this case I think the City Council is approaching it in the wrong way. I think you need to look at these properties individually, determine their potential for development, and then work with land owners to do those projects as their brought forward to you. Again I do want to thank you for your time. I know that a great deal of time and effort on your part is eaten up by these kinds of things. I appreciate your willingness to listen to us. I urge you to please vote no on these proposals as their written. I wrote kind of a little remark I don't know if I should say it or not. I'm going to say it but take it please in the intent that it's used.

Barbara Thomas

You didn't laugh at my joke. Be careful.

John Betts

Okay. I ask you to please vote no on these proposals. I ask you to tell the City Council to please keep their hands out of the pocket books, the wallets, and the savings accounts of these land owners. It's not their money. Thank you.

Barbara Thomas

Thank you Mr. Betts. Sir?

Robert Farnsworth

Thank you Madam Chair and Commissioners. I spoke to you last month. I just wanted to, if I could...

Barbara Thomas

Remind us of your name and address.

Robert Farnsworth

Oh I'm sorry. Robert Farnsworth, I'm here on behalf of my mother, Maryanne Farnsworth, 3696 S 5600 W. So last month talked about the downzoning and how it would create unfair economic loss for the property owners. Secondly, and I think it's been well put here tonight, depending on the location, the size of the parcel, existing zoning, and the surrounding properties, these property owners can expect 35-50% loss in their value. Number three, larger lots consume more water and I think that's a natural resource that we ought to be looking at protecting. Not expanding it to increase property values. And like it's been stated, there's a lot better ways to get quality housing than just larger lots. Number four, this plan doesn't consider any future affordable housing and I think that needs to be considered. Number five, the best plans have flexibility. This plan restricts the rights of the property owners, it ties the hands of the future Planning Commission's and City Council's. Number six, I believe these changes will affect many of the owners that have not been properly noticed. Now that might take a little explanation. I'm sure the notices went out by everything that's in the code. But this change affects owners of real property that didn't receive a notice and I think I gave you a good example last month which is number seven on infill, tear downs, or assemblage projects. You could have someone, or a group of owners that have half acres together, that you would assemble into a project. Unless they sit next to one of these zoning parcels that you're considering, they wouldn't have been noticed. I think that notice in a mass change on this scale should be rethought and everyone should have an opportunity to see how it might affect them. And number 8, future development will not make sense without all those other zones. Especially when you start looking at infill, tear down, and assemblage. So today I want to talk about a couple other concepts. One's public policy. Figured Google's pretty smart so I looked that up. Wikipedia says that strong public policy should have, should solve problems that are efficiently and effectively and served with justice. Number one, I think the City Council's concern for the lack of high end housing, to me, doesn't even seem to be a problem. The wealthiest among us can live anywhere they choose. Now if we were talking about affordable housing, that's a real problem. Number two, let's assume that the executive high end housing is a problem, does this proposal solve the problem effectively, efficiently, and serve justice? How can this be just? It is not based on the concept of moral correctness, equity, or fairness. As these land owners, you've heard them say. I believe this proposal is just simply bad public policy. Further, how is this related to the health, safety, or general welfare of the citizens? The simple answer is... it's not. This proposal clearly is made for a very small segment of the residents or future residents. It is not for the general welfare of all the residents. I have seen no study to remotely suggest that these changes will number one work in the marketplace, I don't believe they will, and number two is necessary to promote health,

safety, and welfare of the community. Again I say this is just a bad public policy. Just like any application you can deny this. I'm sure you've had plenty of applications sit in front of you in the past and you just said wow, that's a really bad plan and you probably denied it. I believe this is one of those really bad plans. Its stated purpose and objective clearly is in conflict with the general welfare of the community. Thank you.

[applause from audience]

Barbara Thomas

Thank you Mr. Farnsworth. Let's see, sir?

Greg Fabiano

My name is Greg Fabiano, Dwellings Real Estate, I'm the government affairs chairman for the Salt Lake Board of Realtors and I have come in to speak on behalf of the Salt Lake Board of Realtors once again. Thank you for giving me ear and also many thanks to you on this committee and particularly to the homeowners and property owners within West Valley City. I speak generally and not in regards to any specific piece of property. As a quick generality, our interest as an association, as a partner both with cities, with municipalities throughout Salt lake County as well as the County itself and even the state of Utah, is to look at good public policy regarding land use and real estate use. Primarily for the benefit of property owners because what is preeminent to us is the fact that each property and private property rights are deemed sacrosanct within the Constitution of the Unites States and therefore we wish to uphold those ideals. In echoing what Robert has just specifically spoken is that the primary thing I wish to put forth, and I will simply give some other evidence in regard to that, is primarily that this, from our perspective, constitutes an illegal and immoral taking of value of property, primarily of value from property owners within the city of West Valley. Each piece of property is unique unto itself as has been stated by many who have preceded me and I am grateful for their understanding that concept and truth. In the last meeting, a month ago, I gave some statistics and I will also update those statistics currently as they slice to what we're dealing with. Furthermore, I've also compiled, with the help of another party, some information from the Salt Lake County Tax Assessors Office, specifically in regards to West Valley City property tax. So number one the preeminent thing I wish to express is the fact that this is an immoral taking of value from property owners and secondly it is bad public policy. I know this is not of your making, this was placed upon your desk, we would certainly urge you to simply deny it in its present form. Also I appreciate Steve's input in what you have evidently as a committee, as a commission, put forth as alternative ideas in regards to that land use and I think that's wise. As presently constituted we would strongly urge it be denied in its current form without revision but to be revisited on a case by case basis as is needed. To begin with a couple things. Approximately 75% of all the residential properties within West Valley City are on lots that are up to 10,000 square feet. That's the preponderance for the majority of your residential property tax base. So I want to speak to your pocketbooks primarily at the moment, okay? Statistically the proposed and the existing housing stock that this zone change would enact would incorporate approximately 5% of your

residential tax base. In short what this would actually do is it would diminish your property tax revenue as a City. Those are not my statistics. That's the Salt lake County Tax assessor which is the body through which those property taxes are collected and assessed. So again, that comes from them. That is not me. So I think it's going to number one, hurt the property owners but number two, it's going to hurt you as a City financially. It's not going to do you any good. It seems to me this is a pipe dream that has been placed upon your desk by the City Council and I understand what the intent may be is to increase the desire for more expensive housing stock but the reality is the marketplace has to dictate that. That cannot be done by fiat, by this body or any other. We cannot wish it and they will come. We have to deal with market realities. The main reality again, as previously stated, is that the property owners affected will be dealt with harshly without their, in my opinion, due consideration of it. Last time I don't wish to take too much time let me give you some quick statistics again. I have for 25 years, as a real estate broker, I have represented hundreds of citizens of your community in both buying and selling property. My belief is that you need to believe in your own community. There is a tremendous amount of demand for people to be in this community organically and from outside of this community. So please do not short change or short sell the demand that is indeed here. So to update the statistics that I gave last time which may or may not be in the notes, I don't know. I'll give you the current ones as of right now. To give you an idea of the demand presently in West Valley City there are presently only 60 single family existing houses for sale up to \$250,000 in West Valley City. 60 of them, that's it. Up to a quarter million dollars. Presently there are 143 pending sales. That means you have approximately 2.5 times more people who want to buy here than can buy here because there's not a sufficient existing stock to buy. 2.5 times. There's a tremendous amount of demand, that's up to \$250,000. Now how many have been... 80 properties in the past 30 days that have sold and closed. You have 80 new citizens, new homeowners in your City. This does not include brand new housing stock. These are existing houses. The new housing stock is in excess on average of \$230,000. In short you already have an inorganic economic growth within your city without passing this legislation that would damage your own citizens. It's already here, the demand is here. You don't have to try to create it. It's already happening. Now I want to go up to the next stratum and that is between \$250-350,000. There are 49 homes available, remember up to \$250 there were only 60, there are 49 up to \$350 in that next bracket. How many pending sales? 32. What that means is you have 1.5 times as many homes available as there is demand up to \$350,000. So in reality the demand is lower than the \$350,000. That's where it is growing. It would seem to me logical and sensible to simply let that grow organically rather than try to force something higher for which there is no demand. Here's the final statistic. By enacting this zone as presently constituted, what you'd be doing is forcing the pricing of new housing stock to exceed \$400,000 in value. To exceed that. Because you cannot financially build houses of that size and of those construction requirements for less than that amount of money. You cannot do it. Now what is the housing stock above \$350. \$350 and above, up to skies the limit. Right now there are 6 homes available. 6, that's it. How many pending sales are there? 2. That tells you there's not a lot of demand. There are 3 homes available for every 1 person whose looking for one in that price range. There is a fraction of one for every person who is looking up to \$250,000. In short the demand that is trying to be... there is no demand for the perceived need that is trying to be fulfilled by this zoning. By this change. It simply does not exist. How many

sales have taken place over the past 2 months? 0. Not a one. In short the demand that this... the perceived demand that this zoning change seeks to satisfy does not exist. You have a tremendous amount of organic growth that is happening right in front of you without doing this. Again, I believe in West Valley City. I am presently contemplating the purchase of a large parcel... piece of property myself. This has no bearing on me. I'm giving you full disclosure that I may be looking at buying something in the future. This will not affect me one way or another. But for other property owners who are right here and the other 100 that were here last month, I hope I speak in their behalf to urge you strongly to deny this application and let each property be considered on its own merits and let the marketplace decide that which is best because the market is there. It is teeming with demand. Let it happen. Thank you very much.

Barbara Thomas

Thank you Mr. Fabiano. Is there anyone else who wishes to speak? The gentleman with the mustache and the gentleman in the back.

Curtis Haviland

Curtis Haviland, I'm at 3348 S 6400 W. We've got a 5 acre farm out there. My neighbors got a 5 acre farm. And if you go through with this, they can put two homes on my five acres. What do I do with the extra acre? Right there in that neighborhood I can show you homes sitting on one acre that is almost a half a million dollar home. What is the backyard look like? They can't afford the water to water an acre of ground. So it's all a dirt ball. So what do they do? They rent em.

Barbara Thomas

They rent what?

Curtis Haviland

They rent the back of their properties out. They rent to one person and then pretty soon you got a half a dozen people in there. I've got the situation next to mine.

Barbara Thomas

You mean they rent... they store equipment there or they build something temporary?

Curtis Haviland

They rent the property to somebody else.

Barbara Thomas

Oh so there are homes on them.

Curtis Haviland

A home's on the front.

Barbara Thomas

And there are homes on the back?

Curtis Haviland

No homes on the back of the property.

Barbara Thomas

What are they living in?

Curtis Haviland

[laughter] West Valley needs to go around and check and see how many trailer houses sitting in the back of these properties.

Barbara Thomas

Oh okay, I see what you're saying.

Curtis Haviland

How many dust bowls all this property is. You take, say my farm, for example. You put two homes on it, what are they going to do for irrigation water or water? It's going to be a big dust bowl back there. What do they do? They rent em, they rent out to anybody that will rent. Then we end up with shacks built on em and they say they're not permanent so they don't have to have a permit. Made out of plywood, pallets, and that kind of stuff. I don't see how by making the larger lots is helping West Valley at all. All they gotta do is go out in that area and just look. Find out what's going to happen if they put all these 2 acre lots. My neighbor next door has got 5 acres that he's been trying to sell for over a year and they had it all fixed for 18 homes on it. Now he can put two homes on it, he can't sell it, the developers won't look at it to build 2 homes on it. What are they going to do with all this extra ground? These people that... these big homes are not gonna wanna take care of all this property. I can't see any difference between, say the Newton piece, it's a larger piece, we're just down the street a little ways. It shouldn't be any different between theirs, ours, we've got all these different A-2 zonings that's kind of ridiculous in a way. It's gonna hurt West Valley. I mean, some of us farmers like we say we're getting older. Our kids is probably not gonna wanna farm it and they're gonna try and sell it. The valuations gonna go clear down. You're gonna end up with 2 homes instead of maybe 15 homes on it. Messy backyards like we've got around our places over there now. So I can't see why they wanna put these large lots on a lot of it. It's just gonna cause more issues. More problems for West Valley, for the weed control. We see it all the time out there. All these bigger lots sitting with homes on em, with weeds 2 or 3 foot tall. So... I think it should be denied and leave it alone.

Barbara Thomas

Okay thank you sir. Did I indicate someone next? Sure come on up. I can't see you. Are you able to stand?

Maryann Doxey Farnsworth

I can stand here for hours. I can stay for days. My son who has spoke for me but I have to have one final word here.

Barbara Thomas

And you're Mrs. Farnsworth?

Maryann Doxey Farnsworth

I am Maryanne Doxey Farnsworth. I have been there since 1937. On the property that I'm on right now, maybe I don't have 5 acres. I love Tom Giovengo and these people, the Defa's, that have been here so many years. My brother next door 5 acres that have behind us. I see Ivory, I'm going by your sheet, I see Ivory has got places. They build good homes. I'm not going to buy them on the good homes that these realtors come in and do for us. They're doing it for us, West Valley City. Now Steve. When I come in to your office and believe me, I have been into your office and I have spoke to you, when I come in to your office I trust you. I know that in Planning you want to do the best for me. I want to do the best for West Valley City. I live here. I have a few more mouths and I'm going to stay in West Valley City. I want to tell you, we've heard of the prison making down on 7200 off 21st. You've got a map here with green all over it down in that area. Those people are gonna want some nice small homes if they do something like the prison down there. There's gonna be growth around West Valley City. We want this, West Valley, to be the best. But Steve, I came into you in 2001 and I trusted you. And I come in there and I trust the rest of ya. I vote for you. I have that privilege and freedom. And I want to tell you that when I come in to your office I do trust you and want to trust you. I want to know that on these things when I come in and planning, along with these other people here, that we will know that you are working for us too. In 2001 when I came in, I had a couple proposals that I wanted to set out because they was putting a new road, putting a new street in on 5600 and we're having this new highway. I came in to you and talked to the Planning and I said I want to make sure that I can build maybe back in... I don't have 5 acres I only have small pieces and across the street by the church I have some little rentals and an extra piece but I came to you Steve. And I trusted you and I asked what can I do? Before the men, they come in and say you cannot dig up this beautiful road on 5600 and put water across the street, bring sewer back across the street. That's what these gentleman have got to figure out when they're doing that. Are they going to bring the water and that from back here or across the street or on this street? We came in to you and I talked to you and I had 2 parcels that I wanted to fix right then and it was gonna be a hardship. So when they took the easement I had to put my money into this, doing this and prepare for the future. Okay, I paid \$7,000 putting water across the street to and but let me tell you, the Defa's came down, they did an excellent job, they came to try to find out what is the best to do and how do you do it. So we go in and instead of going across the road, even though it wasn't finished, we had to go underneath. They had to go and drill underneath and make the water come across. And

the one on this side we had to pay \$9,000, over \$9,000 and on this side \$7,000. We went under the street to prepare for the future of West Valley. Not to dig up the roads. But we could go in and on this little plot of ground and that that we have, it's not 2 acres. What in the world am I going to do? Steve you need my bills. I need to give em to you. You told me yes it would be okay. You said in planning I wanted to plan the future. They want to plan. Tom here and them want to plan a future. When I come into your office, tell me no. You don't do this. You can't have this. These are things that we thinks better for this property, all of these properties. Why do we have to have you come in and put an A-2 and an A-1 and this and that and that on these properties that they've had for years. Why can't we just come into you as a planning group? Why can't we come in and trust you? And know for the better of West Valley and the better of the people that are living there. With this acreage why can't we come and why... if you want an A-2 and A-1, you just like it? The Council likes it and that. Go ahead and put some on the books A-1 and A-2 and you can do this and that. But let us on our property come in and say can we do this? What can we do with our property? I only have this much. I have put already \$9,000 on one part of it and another... I can't even put the \$9,000 one back behind there. And the one over here, I cannot do what we, in the future, want. My grandchildren, my great grandchildren maybe I only have a little bit and maybe they have more. They will want to be here in West Valley too. This is a good place to live. We want to have a good future here. But will you please consider denying the whole complete thing. And you let us come to you. I trust you. I trust this Planning board. And Commissioners I may not have voted for all of you cuz I just don't have you on my list.

Barbara Thomas

[laughs] we're not on your list.

Maryanne Doxey Farnsworth

You are just very welcome any time to come and see what the citizens are really wanting over on 5450, on the next road up, I know over here Jay back here and some of the others they have more property over there. They want to maybe have a horse, a cow. So what? It's their property. Why can't they have a cow? Why can't they have a horse? In a few years, do you think our grandchildren is gonna want a bunch of cows and horses and pigs? Let them have what they want then. But Steve when I come to you and your Planning board, let us trust you. Let us know that when you go and tell me I can do this that I will know in a couple years that I can do it... this is my property. I pay taxes on it. You're not paying taxes on my property. Any of you want to? You're welcome. But I want to trust you Steve. I want to trust your Planning board. I want to know that when we come to you, that we can come in and say I have 5 acres, maybe I want to build something on it. But you tell me well this is what we suggest. Show us what you want. Why are you putting a label us? Why do you have to put a label on our property? That we can only do this. Our grandkids, our great grandkids. Let us stay in West Valley City. Let us build it up with you. Let us come and let us talk to you and Steve I've had you on my list for a long time. I appreciate your telling me that I could go and put these big holes under the road and have to do all this piping so the waters on this side, so the sewers on this side so when you start to go across to build in a couple years what are the grandkids going to do? Are they gonna have to... they, we had to use our money that we got out for you chopping our streets off and that. Then to get this

we did not have the money but we trusted. We knew and when you said yes it'll be able, we'll be able to build over here you can go and build back. We put this plumbing in by a good company, the Defa's, we knew they were good. We know these people here. We know a lot of these people here. All we're asking you is deny the whole thing. Get rid of it. You let us come to you. And let you tell us this is not right on this property. It don't have enough room. We have rules and regulations. You have rules and regulations. We've abided by your rules. With some may need a little bit of trimming but please we thank you for your work. Yes. But we want to thank you in the future. I don't want to be a roaring tiger coming into your office every time we want to do something on our property. It's our property. It's not yours. Until you pay for my taxes and everything else that I have to do on it and get my water and that, please deny it. Please go to them and tell them and let them know we trust you. We have trusted you for all these years. I have trusted. I've trusted the Planning. We've gone in on all different things. We want to be able to know and gentleman we will trust you as long as you do the right thing. We will. But thank you so much. I don't want to take any more of your time. I think you want to deny every bit of this. You have got things going on good that you can have regulations. You can have these things. Let us come and tell you and say this is maybe what we want to do with our property. Our property. That we've fought for for years. Look at Tom here how many years all of them. Look at the Fonger's and the Evanson's and all of them around. It's their property. It's their homes on their property. We want to be able to keep our homes. I want to be able to get the boy scouts to get the weeds out of my gardens and stuff. And they do it. I can get help. We can keep West Valley as a good City. And if you get the prison down there, you're going to have a lot of different influences cuz it's 7200 and right there you've got this little map here that shows you all these thing. And Steve I really can't get you to pay my \$7,000, \$9,000 but I'm going to be pretty upset if I cannot go and come and build on my property and come to you. And say I trust you Steve. I trust all of you. Please listen to us. Thank you.

Barbara Thomas

Thank you Mrs. Farnsworth. Think you can rest assured that you can trust Steve.

[applause from audience]

Is there anyone else who wishes to speak? Sir? Is there anyone who wishes to speak after this gentleman. Okay. It'll be Tom and then the guy to your left.

Fred Brock

Thank you for this opportunity. My name's Fred Brock. My address is 4411 W 4415 S. Born and raised here and lived through the time when the County were our rulers and anything went, as you all know. The City has made great improvement and that's to be complimented. Speaking to the amendment change, the ZT-3-2015, just want to say right off that myself and my family are against that for various reasons. We've heard many good reasons to vote to deny that this evening. I don't think I can add too much to that. The only thing I might add is that this, it's my understanding, that's just part of the zoning change that's proposed in the agricultural area. There are other areas that are also included, I don't know if those folks that would be impacted by those other changes have been informed that they be, you know, affected by some of the changes that

are in this. I think there's unintended consequences to other folks that are going to happen if this passes. I encourage you, and my family encourages you, to deny this. Thank you very much.

Barbara Thomas

Thank you Mr. Brock. Tom?

Tom Pearce

Tom Pearce, 3525 S 6800 W in West Valley City. And I'm here to speak against this proposal. I came last time the Planning Commission met in a neutral position to listen to what the proposals were and I applaud, honestly applaud, the Planning Commission, the City Council for the vision they have for West Valley and wanting to make it better. I've been a real estate broker in this area for over 44 years. I know the market. I know West Valley. I sold West Valley to people when people had never heard of West Valley. I've had people come into this town of all classes, you know. I sell them homes. It becomes offensive a little bit to me to hear people say, you know, address the idea of quality and size of homes and quality of people. I'm confident we can build just about any size home we want in West Valley City and the quality people that will buy them are the people of West Valley City. We don't need to stretch out to bring people in of quality. We've got the quality. We can build them. We can sell them. But my biggest concern when they left here last time was the lack of flexibility that we had in the zoning proposal. That it was regimenting too many people to a plan that would make them have 3 car garages if they wanted the larger lot. Or if they wanted a smaller lot but wanted 3 car garages, they couldn't get it under this plan. People's positions and needs vary so widely I think we could have quality homes, 2,025 square feet on the main floor with double garages and sell them. But perhaps there are some people when you say you have to have a 3 car garage on that home say well we don't want a 3 car garage, we want to add more footage to this house. We're older, we don't have children at home, we don't need 3 car garage but we'd love to have a huge family room or meeting area when the family gets together. But our plan, the zoning plan, says you have to have 3 car garages. Let me limit the amount of money you can spend on the size of the home because we're enforcing, or forcing upon you, a 3 car garage. Or a 15,000 square foot lot when maybe all somebody needs is a 10,000 square foot lot to accomplish what they want and still have the quality home they desire. I echo and approve most all the sentiments that have been said here tonight because I think everybody knows what's best for the City and I want to encourage you to deny this application. I was very pleased when I heard the proposal of the second option. Why don't we have a zoning where still we can come and say we want to build beautiful homes. We want to build homes for quality people, for West Valley people, and build them on 10,000 square foot lots. Or build them on, let's try some 1/3 acre lots. Whatever it takes. It can be market driven. I would love to have the challenge to be able to sell any kind of home in West Valley City. From the most expensive to the starter home. As it's been suggested, maybe the market could dictate that. But I don't want anybody from outside of West Valley City to tell us what kind of people, what kind of homes we have to have to attract them in here. I don't care if they come from outside. We got what it takes, right here. I have the vision, I hope, that you have. You know this isn't my first rodeo in this room. And I know how you feel and how you work. My

encouragement is, let's take that option or let's deny this proposal and build West Valley like we have in the past. Thanks.

Barbara Thomas

Thank you Tom. Sir?

Dave Newton

My name's Dave Newton. I live in 2201 W 700 S in Lehi, 84043. I wanted to raise my hand after Mrs. Doxey came up but I wasn't going to compete after her. Down in where I live, there's a, I'm just going to be kind of brief, there's a little place, he's got an acre and a half or a little bit more. It's called the Hard Way Ranch. He rents out space to different groups that want to come in and have a gathering. And I ask him why do you call it the Hard Way. He says it's too small to get a tractor on so everything I do is the hard way. And that's what would happen on large lots. I raise horses. I've raised cows. A horse will turn an acre and a half unless it's tended real well into a dust bowl. So large lots, I don't believe, are the way to go anywhere within the City. People are getting out of horses. Getting out of animals. My wife worked at Travis Mountain in the development there. The majority of houses there have 4,000 square foot lots. That's where the millennials are going. They don't want big lots, they want to play. The older people, they're going into elderly communities. They don't want big lots. I thank you for listening.

Barbara Thomas

Thank you Mr. Newton. Is there anyone else? So am I to assume that everybody else is in favor?

[laughter]

Ha... I knew I'd get something. Thank you. Unless there's anyone else who wishes to speak then we'll go ahead and close this hearing and bring it back up to the Planning Commission for discussion. Does someone want to start or shall I start?

I'll start with several things that I've written as we... it's not pro and con either way. They're just feelings that I have about the discussions that we've had and this application. We have in the City a General Plan which is reviewed every 4 years and meetings are held throughout the City to see what's changed in particular areas to see if zone changes should be updated, should be removed, or things change that way. Those have been consistent. This didn't come about as a result of our General Plan meetings and so it's caught a lot of people off guard. End of sentence. You need to realize that with this zone text amendment change, there are lots of different options as far as zoning, meaning the sizes of the properties available or eligible to be used. It's not just A-1 or A-2 but there are options of R-1-8, 10, 12, 15, 20, medium density... so be aware that there are those options. With regards to the value of property on zoning changes, one of the things that I've learned in my training over the years with Planning Commission is we don't take that into consideration because it changes consistently. Another thing learned is that a good neighborhood has a variety of residents and has a variety of housing types. And in West Valley we have a propensity to stay with smaller lots because that's what we've had in the past. We

have more than enough moderate housing. 30% of our housing stock is rental. As the second largest City in the County, we have 11% of all houses, in the County, but only 1.1% of those homes are valued at more than \$250,000. That sticks with me a lot. We are concerned about individual consideration of parcels of property that you own. And it is difficult to come in and to do a City wide change like this. That is going to be a consideration that has been discussed and will be discussed more today. Oh the comment that we're taking property... taking a property is only as if there's nothing left of use for that property. That's not what this does. Okay, that's what I have written down. Jack?

Jack Matheson

Can we maybe just start one of your points at a time and discuss those. One is devalue. I think Mr. Fabiano made it clear that the property would be devalued.

Barbara Thomas

I believe he said that. I don't believe it's completely true.

Jack Matheson

Yes. I think his argument and the facts that he presented show that it would be devalued. As far as a taking, I'd like to maybe talk with the attorney. If you take value away from the property, is that a taking?

Barbara Thomas

My understanding is that... well.

Brandon Hill

Sure I'll be happy to weigh in on that.

Barbara Thomas

That's the City Attorney speaking.

Brandon Hill

The mere fact that or the speculation that a regulation change would change the value of property is absolutely not a taking as a matter of Constitutional Law. Even if it's a proven fact that it diminishes the value, that's not a taking either. The standard to determine whether something is a taking is as the chairman said. If there is no use that's left for the property. So for example if we zone property to be open space forever with no development possible, then that would be a taking. If a property is worth less than it was before, even if that's true, that's not a taking.

Jack Matheson

Thank you for clarifying that. Over the last 6 years, we've done at least 6 upgrades to our housing stock. We have a point value system. We can only use certain materials in construction. We've even increased the house size, I don't believe we've increased it enough. Speaking of

house size, let's go to that. Our current house size is 14,000. This proposal, ya 14 and 16 for a multi-level. This level would jump up to 20,000 and 24,000. Oh yah, 2,000 and 2,400 square feet.

Barbara Thomas

That's a really big house.

Jack Matheson

That's a big jump. I believe that 14,000 is too small actually. You know if you look at the value of the homes that are being built, say out in Highbury, those homes on the east side would almost double in price. I have a son-in-law that live in Mount Olympus Cove. His property and home are probably approaching a million dollars. Would I say that his house is nicer than the homes being built? Not at all. It's a 30 year old home. It's got problems of a 30 year old home. It's not as nice as the homes that are being built right now in West Valley. So you take a home here and put it on the east side, this size home, you're talking about really an estate home. Okay, enough said there. Three car garages, you can get a three car garage on an 8,000 square foot lot. We have tons of examples of that. Do we have to require a three car garage? No we don't. Construction of all brick homes. Where is the diversity in that? Some people may like the looks of a colonial mansion that's all brick but wow, that's not my idea of a great home. Let's talk maybe about some of the zones that we have. We have some zones that are very poor zones. We even have an R-1-4 zone, we have a duplex zone, we have a mobile home park zone. We have more mobile home parks percentage wise than anywhere in the County. Do we need more mobile homes? Probably not. We have zones for manufacturing. This would change the manufacturing to a different zone which is actually good for us because we have plenty of manufacturing properties still available in West Valley. I don't think we need any more manufacturing. I'd like to get rid of that. I'd like to get rid of an R-1-6. I'm on the fence with R-1-8. I think there's some places, some of these properties, we went and toured all these properties. We've looked at all of them. We are trying to take these in on an individual basis. There are places that I feel like you probably couldn't even do an R-1-10. I think an R-1-8 is appropriate for some of these places. Not R-1-6, we've got stuck in years past with some R-1-6 properties and they have not turned out well. We just passed an R-1-10 zone off of 5400 W and I think you're going to find out that that's going to be a nice subdivision. That's going to be an excellent subdivision at R-1-10. Let me tell you just one more thing about PUD's. I don't like PUD's. If their large enough that your homeowners association has a big enough base so that four years down the road when that asphalt fails, there's money in there to pay for that. If you only have, say 12 lots, and a homeowners association, those homeowners are being burdened considerably. I've seen so many times that those owners that own these PUD's have to go to court to try and get money for those HOA's. Happens all the time. So I'm not big on HOA's or PUD's. Do I think a 23 or a 15,000 square foot lot with a \$2,000 home on it would sell? I don't think so in West Valley. Especially some of the properties if we look at them individually. There's no way you could put that big a

home on some of these properties. There are a few properties I would love to see the bigger homes. There's a manufacturing piece out here by the golf course that would be ideal for larger homes. As a Planning Commission I think we need to look at each property individually and so I'm really in favor of basically keeping what we have, increasing the home size, and you know, not making the waves that this proposal is causing. And adding A-2, all you're doing is adding flies. Right?

Barbara Thomas

Someone else? Yes Commissioner Fuller.

Brent Fuller

I'd just like to reset... there's been a lot. We've got two proposals here today. They're all running into each other. There is a lot of talk that's come towards this one has been really based on what their thinking we're talking about on the second one. Steve, is that, can you clarify that for everyone because I... we need to vote on these separately. Even though most of the conversation has really been applied to the second one, as well as comments from us as zoning commissioner.

Steve Pastorik

Sure so the first application is a change to the zoning ordinance and that's where the A-2 zone is actually created. It doesn't exist in the code right now, as well as the RE zone. It also includes the provision that limits future zone changes. That's been one of the issues that's been debated quite a bit. It also includes the standards for housing in the RE zone, so the house size, the materials, those types of things. The second application the Commission will consider will be the actual changing of zoning on specific property. So there's again a total of 131 properties being considered for a zone change. That's the distinction. So the first one again is just a change to the ordinance, the second one would be what actually changes the zoning on those specific properties.

Brent Fuller

So just... this particular application, we're only creating an additional zone. We're not doing away with any?

Steve Pastorik

It's, you're, so any property that is developed, say an existing subdivision that has R-1-8 let's say, that will stay that way. What this is saying is that for someone that has property looking to develop them would like to request a change in zoning, it would not allow, as written now, would not allow R-1-8, R-1-10, as a zone change option. As it's written now.

Brent Fuller

Okay, you know, Mr. Peterson had that, he heard that we have three options here. The second and the third, the third one particularly, hardly changes any of the existing zones.

Steve Pastorik

So the options you can choose in the staff report there's several alternatives for the Commission to consider and certainly as a Commission you can come up with another alternative to recommend to the Council. In two of those three options, again, there is the option of expanding the list of zones that could be requested.

Brent Fuller

Yeah, I understand that. I'm not sure they do. So... that's, I'm saying is a lot on option three, a lot of their opportunities to develop their property would still be there.

Steve Pastorik

Correct. If the Commission recommended the third option, most of the options that exist today would still be intact for zoning.

Jack Matheson

Question... so if we deny the first option totally what happens to the second... what happens to the second application?

Steve Pastorik

Well because the second application includes changes in zoning to A-2 and the first application is actually what creates the A-2 zone, it really wouldn't make sense because we wouldn't have that zone as an option since you'd be recommending denial of that new zone.

Clover Meaders

Can I ask a question?

Barbara Thomas

Yes Commissioner Meaders.

Clover Meaders

Alright both of these new alternatives we are recommending keeping the minimum house size which is 2,000 and 3,000 right?

Steve Pastorik

Correct.

Clover Meaders

Can you fit a 2,000 square foot house on an R-1-8 lot comfortably with all the setback requirements and frontages and everything?

Steve Pastorik

You could still fit a house that size.

Clover Meaders

They'd probably be pretty close together?

Steve Pastorik

You'd be pretty close to maxing out setbacks but it'd be possible.

Barbara Thomas

Commissioner Mills did you have comments?

Terri Mills

Yes.

Barbara Thomas

Thank you.

Terri Mills

This afternoon while I was reviewing this information once again I just jotted down a couple thoughts so that I wouldn't forget them. I just wanted to maybe read them or refer to them. I feel the City Council should be applauded for their concern to improve availability of high end homes within West Valley City. However I feel the zone text amendment and General Plan change before us is far too restrictive and rather than offering current residents a place to move up to they actually send potential home buyers outside of our City limits in search of their dream home. I believe the building material should be relaxed to include stone, clay roof tiles, stucco, and even hardi-board. I also think it is presumptuous to conclude that every home buyer in search of an upper end home will want a three car garage. In regards to the General Plan I have great reservations for a blanket zone change. While 15,000 square foot lots may work for some parcels it is not a perfect fit for all parcels. Having said that however I do feel that just as having small pocket parks throughout our City has enhanced the quality of living for our residents, having some pockets of higher end housing would also be desirable.

Barbara Thomas

Okay. Your turn?

Harold Woodruff

Well I'm ready for a motion.

Barbara Thomas

Is there anyone else that has anything to say?

Brent Fuller

I guess I do. On option three, Steve, you're not listing A-2 as an additional... do we not have... should we not add A-2 as an option? It doesn't mean it has to be used. It's just an option if someone wants to.

Steve Pastorik

That could be an option if the Commission would like. It certainly could be added.

Brent Fuller

It doesn't hurt anybody if it's there.

Steve Pastorik

No.

Jack Matheson

Doesn't A and A-1 really cover all of the agricultural property? Why do you want to create an A-2 property when somebody is surrounded by residential zones and they can bring horses in there? I certainly don't want a horse behind my house.

Barbara Thomas

They can do it in an A right now anyway. That presently exists.

Jack Matheson

Well yeah if I was next to an A property. Which I'm not. We're talking about rezoning the property that I'm next to.

Brent Fuller

No... that's... No, we're not. That will be in the next discussion.

Jack Matheson

Yeah in the next discussion.

Brent Fuller

We gotta keep those separated or we're gonna be really confused.

Jack Matheson

Okay.

Barbara Thomas

I did have one more question with regards to the alternatives. Because we have questions and concerns about some of the things in the zone text with regards to the housing materials, in both options we could have a Development Agreement where if someone came in and said okay I do want an R-1-12 and I want to build a big home but I don't want the third garage and they don't want to be all brick... those could be changed in an agreement? So there is a flexibility.

Steve Pastorik

There would be flexibility if we went with the second or third option.

Barbara Thomas

Yes. Ok. Understood. More? Yes? Commissioner Winters.

Martell Winters

One thing I'm pleased with is that with all the comments shared today, I'm glad that in our Study Session there really wasn't anything terrible new. I think we had, in our study session, we talked about a lot of those or most of those which is good for me that we're thinking along those lines. I also agree, I think a wholesale change like currently is stated is not appropriate. Steve and his group, they've got a tough job cuz their trying to find some place to start with. I'm really pleased the discussions that have ensued with what they've started with. I think they could have picked anything to start with and there probably would be just as much discussion so I, I think it was a good starting point to get a lot of discussion going. I am pleased with the discussions we've had. I do like the idea of raising the bar, I also feel its appropriate thought that there be some... that there be flexibility as we raise that bar. That's it. Thank you.

Barbara Thomas

Thank you. Is there concern among the Commissioners about the flexibility allowed through the two options that are given to us? The two options, not denial, but the other two options that we're looking at.

Harold Woodruff

Option three gives more flexibility. Excuse me.

Brent Fuller

The two options being that, our two options.

Barbara Thomas

Yes I'm considering option two and option three. Okay. Yes Commissioner Mills?

Terri Mills

Just to clarify, option three talks about the required square footage of homes but I can't see... it's not going to require three car garage or...

Brent Fuller

No.

Harold Woodruff

It won't require three car garage.

Terri Mills

Ok.

Brent Fuller

There's a hand...

Barbara Thomas

We've already closed the hearing, I'm sorry.

Someone from audience speaking

... option two and then option three. Do we have any copy of that so we know what option you're talking about?

Barbara Thomas

No it's a secret, I'm sorry. Can we show that on the? No?

Martel Winters

If I can make comment. I have a hard time, understanding that this is a difficult of a situation as it is. I'd have a hard time saying yay to any option without having that text incorporated and then reading it thoroughly to make sure our interpretations are all the same. I don't know what protocol demands there but personally I'd rather give a...my thought would be a temporary okay on something and then be able to read the proposed changes with red line strike out or with tracked changes or whatever so they can see those changes. I don't know what the options are there.

Barbara Thomas

I don't think they can.

Steve Pastorik

I'm just going to... if the Commission would like I can recap the two options.

Barbara Thomas

Let's do that. They aren't able to put it up the screen but he'll go ahead and summarize each of the two options. The first option that we have is to approve it as it was written which I know how you all feel about that one. Then he's given to other options of approval. The fourth option is continuance. The fifth option is denial. He's going to talk about the two different approval options that he's given to us.

Steve Pastorik

Thank you. So for the second option there's essentially two changes that would be made. The first would be it would expand the list of zones that someone could request to change their zoning to. And that list would include the RB zone which is residential business, it would include R-1-10, R-1-12, R-1-15, R-1-20, A, and A-1. So again it would expand that list of zones that would be options for future zone changes. Second it would allow a development agreement to be used to provide flexibility to some of the housing standards so things like the brick requirement, the three car garage, the type of roofing materials. So those types of things could be modified through a development agreement. So that's the second option. The third option would, under the list of zones that would be allowed or that would be possibilities for future zone change, is expanded further to include the R-1-8 zone which allows 8,000 square foot lots. I should clarify, all this, R-1-8, R-1-10, R-1-10 meaning 10,000 square foot lot minimum. It would also include the RM zone which is the multi-family residential zone which allows things like townhomes, condos, apartments. So again, in order to receive one of those zones you'd still need to request a change in zoning to have your zone change but at least have those as an option. The other change would be that for... on the issue on the housing standards, again things like exterior materials, the three car garage, those would essentially be removed and the existing point system that's in place right now would just be, would continue to be used.

Barbara Thomas

Thank you.

Brent Fuller

Steve can you say... can you tell them which zones would be eliminated.

Steve Pastorik

Which zones would be eliminated? Sure. So again depending on which option you go with...

Brent Fuller

Ya either one.

Steve Pastorik

Let me turn to that page here. So under the second option the ones that would be eliminated would be R-1-4, R-1-6, R-1-8, the R-2-6.5, R-2-8, RM, and then RMH which is the mobile

homes zone. Then under the second option it would just be the R-1-4, R-1-6, R-2-6.5, R-2-8, and RMH would be eliminated.

Brent Fuller

The really low... I mean multiple... you know... small lots.

Steve Pastorik

Very small lots, duplex zoning, and then the mobile home zone.

Brent Fuller

Ok.

Barbara Thomas

More discussion? You ready for a motion?

Harold Woodruff

I'm ready for a motion.

Barbara Thomas

Commissioner Woodruff?

Harold Woodruff

I'd like to do this kind of slowly. I would like on ZT-3-2015 to move for approval which will create the A-2 and the RE zones and then I would like to make that subject to our option number three. And I will read these and make a change. A- the following zones are added to the list of allowed future zone changes and they will be RM, RB, R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, A, and A-1. And item B where it says minimum house size referring to item items 1 and masonry wall requirements referring to item 3. I would like to remove the minimum house size item 1 and that was the 2,000 square foot rambler and the 3,000 square foot multi-level. I would like to keep item 3 the masonry wall requirement which says that if you're on an arterial then a masonry wall will be built between the residential and the arterial. And then the remaining standards from 7-6-605 are discarded and the existing point system in section 7-14-105 is used to address exterior materials and design features. And that also allowed within that a developer to do a development agreement. So that's my motion.

Barbara Thomas

Okay. And for clarification... Is there a second?

Clover Meaders

I second.

Barbara Thomas

Ok the minimum house you indicated you want it removed which is 2,000 and 3,000 presently and so there will be no minimum?

Harold Woodruff

Well it would go back to what's in the ordinance right now which was... 16...

Barbara Thomas

Ok. 7-6...okay. And, but the masonry wall requirement stays in.

Jack Matheson

Some discussion on this. I'm just wondering why you even want to create an A zone and the RE zone. The A and A-1 really take care of those zones. The R-1-20 certainly takes care of... you know you can build as big a house as you want on these zones. Why do we need an RE zone? That's my discussion.

Harold Woodruff

Right... I've thought about that too. Going back to one of my earlier questions with Steve that A-2 zone is really intended to be a holding zone. I don't mind the concept the City Council wants with RE zones, estate lots, I think as we have said in the next application there should be care taken as to where those RE zones really end up. So that's why I've done that.

Barbara Thomas

So as a clarification for someone who's not familiar with this. If this were to pass and I own a piece of property that's 5 acres right now that's agricultural, the City's not going to come in change anything until I decide that I want to do something with it. Correct?

Harold Woodruff

Well I can't say that because we aren't to the second application.

Barbara Thomas

Oh yes. Sorry. That's contingent on this one.

Harold Woodruff

But if I could offer an opinion on the second application. As I've said in the last meeting, I think every property should have a unique application and have their day in court. Maybe if this is approved, allowing some of these other zones as options, maybe all those properties listed in the next application might not appear so...

Barbara Thomas

Daunting.

Harold Woodruff

Well so...

Barbara Thomas

Scary?

Harold Woodruff

Useful to turn... to make RE zones. I think RE zones should be carefully placed.

Barbara Thomas

Does anyone have a concern about the RM being included in this motion?

Terri Mills

Yes.

Barbara Thomas

Okay.

Jack Matheson

Yes. I don't think we need any more RM.

Barbara Thomas

Okay so... and is there...

Harold Woodruff

I just think we're being short sighted. We don't know how things are going to develop or re-develop. I look at the quantity of RM right now... ya, we probably got enough. But as one of the individuals said, I don't think we should be tying the hands of future Planning Commission's and City Council's.

Barbara Thomas

Okay. Alright, any more questions or discussion? Yes Commissioner Mills?

Terri Mills

Maybe just on the house size reverting back to the 1,600. No in between?

Harold Woodruff

Well am I correct Steve... what are the house sizes currently in the ordinance?

Steve Pastorik

It's 1400 for a rambler and 1600 for a two story or multi-level.

Harold Woodruff

Well I guess the problem I had with way it's worded in the ordinance. It's requiring all future development to be the 2000 and 3000.

Terri Mills

Or larger or that's just simply it? Is that the way you read it?

Harold Woodruff

That's just the way it's worded right here. Item one, we would require a minimum house size of 2000 and 3000.

Barbara Thomas

So in our talking about these...

Brent Fuller

Terri that is minimum. That was your... that's where she was going to. You can make a bigger house.

Barbara Thomas

Can that be a modification on the size through a development agreement?

Steve Pastorik

So under the... in a development agreement scenario we've done larger house sizes but we have not reduced the house size. So... the way it's crafted right now it would not allow reduction in the house size.

Barbara Thomas

Ok.

Steve Pastorik

But certainly the Commission could recommend, again eliminating the minimum house size or some other minimum house size.

Barbara Thomas

More questions?

Martel Winters

I guess I should clarify... it sounds like what the case is that whatever for example if we agreed upon the current motion, this text would be just moved in verbatim. Is that correct? It would be moved right in from what was sent to us? There would be no other alterations besides the exact verbiage that he just read, is that correct?

Steve Pastorik

Right.

Harold Woodruff

Well this is only a recommendation to the City Council.

Martel Winters

Yah.

Barbara Thomas

That's right. More comments? Okay. Let's do a roll call vote on the motion to approve on option number three.

Nichole Camac

Commissioner Fuller	Yes
Commissioner Matheson	No
Commissioner Meaders	Yes
Commissioner Mills	No
Commissioner Winters	Yes
Commissioner Woodruff	Yes
Chairman Thomas	Yes

Motion is approved.

Barbara Thomas

So the motion to approve the zone text amendment has passed. That goes on to the City Council for their review and as you can tell there's been changes from what was recommended that came to us. Now we will go on to the next item on the agenda which is the end result of what we just did.

Minutes from the May 13, 2015 Planning Commission Public Hearing

The following minutes are verbatim.

ZT-3-2015

West Valley City

Adding and amending several sections to create the A-2 and RE zones, enact land use regulations within those zones and enact regulations regarding the rezoning of property

At the direction of the City Council, City staff is proposing an amendment to the zoning ordinance that would:

1. create the A-2 (agriculture, minimum lot size 2 acres) zone and the RE (residential estate, minimum lot size 15,000 square feet) zone,
2. enact regulations within the A-2 and RE zones and
3. enact regulations regarding the rezoning of property.

A copy of the proposed amendments is included with this report.

The new A-2 zone would be identical to the A and A-1 zones in all respects and requirements except for the minimum lot size, which is proposed at 2 acres. While a property zoned A-2 could be developed into 2 acre lots, it is anticipated that the A-2 zone will likely be a holding or temporary zone until such time as a property owner is ready to develop.

The new RE or residential estate zone addresses permitted and conditional uses; minimum lot size, frontage and setback requirements; minimum housing standards; height restrictions; landscaping standards; parking restrictions; subdivision standards and PUD standards for the zone. This zone establishes a large minimum lot size of 15,000 square feet and high housing standards to provide areas in the City for large, estate lots for single family residential development. The housing standards in the RE zone supersede the housing design standards or point system found in Section 7-14-105.

The proposed ordinance amendments also includes the following regulation: "Property within City limits may only be amended or rezoned to the following zones: A-2, RE, C-1, C-2, C-3, BRP, MXD, CC and M. If adopted, this provision would prohibit zone changes to any of the following zones: A, A-1, R-1-4, R-1-6, R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, R-2-6.5, R-2-8, RM, RMH and RB. In other words, all new residential only developments within the City that have not already received entitlements would be developed in the RE zone.

The City Council has long been concerned about the shrinking amount of available land for residential development and the lack of high end or executive type housing in the City. Included with this report is a map showing home values across Salt Lake County and a document entitled "Talking Points for Housing Standards." This map and document help illustrate the Council's concerns. To address these concerns, the Council passed a temporary land use regulation or moratorium of zone changes to any residential zone on October 7, 2014. This moratorium, which became effective on October 14, 2014 was in effect for six months.

During the moratorium staff had several discussions with the City Council to explore ways to address the lack of high end housing in the City. After considering different options, the Council directed staff to make the proposed ordinance amendments and to rezone approximately 750 acres of property to either A or A-2 depending upon the size of the property. The zone changes are addressed in application GPZ-1-2015.

During the Planning Commission's study session, the possibility of adding some flexibility to the RE zone housing standards was discussed. Examples included stone being allowed along with brick as an exterior material and tile being allowed along with laminated architectural shingles as a roofing material. The Planning Commission's recommendation to the City Council can certainly contain suggested revisions.

Staff Alternatives:

1. Approval.
2. Approval, subject to recommended revisions by the Planning Commission.
3. Continuance, for reasons determined during the public hearing.
4. Denial.

Applicant:
West Valley City

Opposed:
Chris Gamvroulas
978 Woodoak Lane

Opposed:
Stephen McCutchan
1750 Janella

Opposed:
John Betts
3920 S 5200 W

Opposed:
Dan McCay

Opposed:
David Brundle
3264 W 3100 S

Opposed:
Robert Farnsworth
3696 S 5600 W

Opposed:
Ross Holliday
Salt Lake HBA

Opposed:
Jim Yates
3076 Cruise Way

Opposed:
Anthony Jacketta
2794 S 6100 W

Opposed:
Kelly Engel
3610 S 3440 W

Opposed:
Donnie Sweazy
7103 Gates Ave

Opposed:
JoAnn Jacobs
3935 S 6000 W

Opposed:
Mary Jayne Davis
6685 W Feulner Ct.

Opposed:
Robb Martin
3888 S 6400 W

Opposed:
Carol Ferguson
3657 Summertime Pl.

Opposed:
Jeff Condie
4625 W 4100 S

Opposed:
Greg Fabiano
8121 Copper Canyon Way

Opposed:
Jim Defa
3765 S 6400 W

Opposed:
Thomas Michael Mansfield
7148 W 2820 S

Opposed:
Robert McConnell
101 S 300 E

Barbara Thomas

Our first item on the agenda today is a zone text change application and it's being made by West Valley City and we'll have Steve Pastorik do the presentation on that.

Steve Pastorik

Thank you. So our first application is an amendment to the zoning ordinance and before getting into the actual proposal in terms of the ordinance wanted to go over some of the reasons why the city council has directed staff to make this application as well as the second application we have on our agenda this evening. So this first slide shows in West Valley the breakdown of single family homes by lot size. As you can see on the left hand side smaller lots and as you move to the right you have larger lots and it's basically showing each bracket showing the percentage of lots that are in that particular size. You can see that as you get into larger lot sizes, particularly 15,000 square feet or larger, or about 1/3 of an acre, there is only about 5% of the lots in the City that fall into that category. The concern from the council here is having more of a balance of lot sizes by having more larger lots in the City. This next slide here is showing the percentage of all housing in various cities in the county that is single family. So in other words if you look at the far left where it has West Valley City, of all the housing units in the City about 66% are single family detached homes. The balance would be things like duplexes, apartments, townhomes and the like. And so you can see there other communities that have a higher percentage of single family homes when compared to the city. And by the way these particular numbers come from the census and the previous numbers on lot size come from the City's own mapping system. This next map here came from a study that was prepared by the Bureau of Economic and Business Research. It's using County Assessor information and so this is looking at home values across Salt Lake County. When you look at the County overall you can see the fluctuations in value here. And on the... as you get toward the red and orange colors on the map those are the lower value areas and as you approach the green colors you are getting into the higher value areas. And so you can see the pretty dramatic change in values between West Valley and other neighboring communities and then as you move to the east and the south. So again the concern from the Council here would be trying to have a better balance of housing mix here. This next slide is just another way of looking at value. So the bars in blue represent the percentage of owner occupied housing that fall into a certain income range, oh excuse me, not income range but a certain price point. So this again comes from the census, these represent owner occupied units would be single family homes, townhomes, condos, so any type of housing that's for sale. And as you look at this West Valley's mix of owner occupied units compared to the County as a whole again we are definitely weighted more heavily toward more moderately priced housing. Another way to look at this particular graph is when you look at all the owner occupied units in the City which is the third bar there. There's roughly about 40% of the owner occupied units in the city are between \$150,000-\$200,000 where as in the county that represents a little over 20% or 22%. Finally just a couple more points here to address value and why these applications are being proposed here. So when you look at it in terms of a median value again from the census the County median value for owner occupied units it's about \$232,000 versus in West Valley median value is about \$170,000. I referenced a study that was prepared by the business, or excuse me, the Bureau of Economic and Business research... from that study they identified that of all the households in the county West Valley has 11% or represents 11% of the households yet when it comes to

homes priced over \$250,000 we have 1% of those housing units. What's significant about \$250,000 is that's the price point at which the household earning the median income could afford a home priced at \$250,000. So again those are just some numbers that show how, or really the issue here of concern for the Council in providing a greater mix of housing product for the City. Certainly we have more moderately priced housing but very little by way of larger lots and higher value housing in the City.

Now discussing the specifics of the zone text amendment or change to the zoning ordinance. There are essentially three changes that are being proposed. The first is that we're creating a new A-2 zone which is an agricultural zone where the minimum lot size is 2 acres. The second change related is we're creating a new residential estate zone, or RE, zone. Along with those we're enacting standards within those zones, so the A-2 and RE zones. And then the third change is there is a provision that would restrict the zones that could be requested in the future. And so specifically what that provision is saying is that any future rezone request would be limited to the following zones and I'll just mention those so it's A-2, RE, C-1, C-2, C-3, the B/RP zone, MXD, the City Center zone, and manufacturing. And so those would be the zones that would be, or what the applicant could petition the City for assuming this ordinance is adopted as written. Just by way of background the City has over the years made numerous changes to ordinances in an effort to have higher quality housing. So beginning in frankly the late 90's the City started to amend ordinances to require larger home sizes, started to require higher quality materials on exteriors of homes, in the mid 2000's adopted a point system for architectural features, and so again the City has made progress in terms of better housing quality in the past and now the Council again as we look at where we are today is concerned with the limited amount of ground that's remaining in the City and as you'll see in the packet there's 756 acres that's anticipated for residential development that's not already received approvals from the city. So that represents about 3% of all the land in the City. So again the council very concerned about the shrinking amount of residential ground available in the city. And again trying to have a better balance of housing. And again really requiring or pushing for higher value housing, higher quality housing on the remaining property in the city. Any questions from the commission?

Barbara Thomas

Just one question or clarification. If I have a piece of property and it currently is zoned A and it's recommended that it go to an A-2 and I have horses can I continue to keep my horses there?

Steve Pastorik

Yes, so they're both agricultural zones so the same standards in terms of animal rights and the number of animals would remain the same.

And just by way of clarification for the Commission and for the audience. We have two applications that are for consideration that are related. The first application we're considering at this point is the actual change to the zoning ordinance. The next application that will be considered by the Commission will be changes to the City's general plan as well as zoning on specific properties. And so, just again, as we hear comments just want to make that clarification

that this first one is relating to the change to the zoning ordinance. The next one is relating to changes to actual zoning on specific properties as well as the general plan.

Jack Matheson

Steve, the largest zoning right now is probably R-1-8 so you are taking a lot of these lots from R-1-8 to agricultural, to A-2. Is that correct?

Steve Pastorik

In terms of what the greatest amount of zoning we have in the City?

Jack Matheson

Yes.

Steve Pastorik

So we did an inventory of zoning a number of years ago, and actually it's been within the last year, in terms of how many acres we have of different zones within the City. If you look at all the residential zones we have within the City, R-1-8 zoning represents about 44% of all the residentially zoned property. So to give you a point of reference there's just over 10,000 acres in the City that are zoned for residential use and about 44% of that is zoned R-1-8. So it is by far the largest zoning that exists in the City for residential use.

Jack Matheson

Ok. One other question while I've got ya. The, we're talking about getting rid of the residential business zone and going with the B/RP? What's the differences between those two zones?

Steve Pastorik

Sure, so the B/RP is the Business Research Park Zone and there's really two locations within the City where that is located for a point of reference. You have the Metro Business Park in the northeast part of City and then a portion of the Lake Park Development is also zoned B/RP or Business Research Park. So it's really more of a business park type zone whereas the residential business zone is more for smaller scale you know real estate office, dental office, but it also allows a single family home. So again it's meant to be smaller scale where you can have a home or a business. But the Business Research Park Zone is really intended for a larger business park.

Jack Matheson

Okay so a dental office, if they wanted to come in, they would have to come into a commercial zone rather than a B/RP zone. Is that correct?

Steve Pastorik

In the future unless they are moving into an existing RB zone.

Harold Woodruff

So Steve, staying on that same subject. So the older houses on 3500 south that as they're being pushed out by commercial development. They no longer would have the option of, they basically could not do an RB zone now, they'd have to somehow accumulate properties and go to a commercial zone most likely?

Steve Pastorik

Right and there's.. yes.. so the RB zone, if the zoning goes through as proposed the RB zone would not be an option in terms of requesting that zone. And that zone does have a minimum lot size of 8,000 square feet. So in a commercial zone it's 20,000 square feet so they would need to have at least 20,000 square feet to do a commercial use.

Brent Fuller

Of the number of acres that are effected in this, seven hundred and roughly fifty, what is their predominant zoning now? Are they mostly A?

Steve Pastorik

Good question. If we actually, if we maybe could pull up a zoning map, but it's a mix. You have a large portion that's zoned A or A-1 but you also have properties that are zoned R-1-8 or R-1-10. So I would say that most fall into that A or A-1 but then you also have a few other zones as well that are in the minority. But most of the properties considered for a change in zoning in the next application would be either R-1-8, R-1-10, A, or A-1.

Brent Fuller

This screen here doesn't really serve a lot of purpose and there's some people hiding around it. Could that be raised without raising the other ones?

Barbara Thomas

I think that we'll probably need it for the map when we get to that point don't ya think?

Brent Fuller

They're all facing this way.

Barbara Thomas

You can't see that anyway can you? [addressing audience] Can we go ahead and raise that?

Steve Pastorik

I know we can raise all the screens, I'm just not technically sure if we can raise just the one. We'll have someone do that for us.

Clover Meaders

So in this zone text change ordinance change we would be removing the possibility of re-zoning to A and A-1?

Steve Pastorik

That's right.

Clover Meaders

What's the reasoning for that?

Steve Pastorik

Well you can under this proposal you can have the RE zone which allows a 15,000 square foot lot. And so you can still have lots larger than 15,000 it would just be the minimum would be 15,000.

Clover Meaders

If somebody had 4 acres, or well 3.5 acres, and they wanted to subdivide it for like their two kids or something they couldn't do that with 3.5 acres right?

Steve Pastorik

Under.. with 3.5 acres they would need to request the RE Zone to be able to further subdivide.

Jack Matheson

My next question is about agricultural zones... it seems to me like you're bringing agricultural into a residential zone. Along with the agricultural, you're bringing animals. And I personally don't want a house with animals next to me.

Barbara Thomas

Do you presently have an agricultural zone?

Jack Matheson

We could, ya. I'm actually part of this, I was noticed on this as well.

Barbara Thomas

So his issue if there is a piece, a parcel, that's agriculture at present that's in their neighborhood can they bring in animals after this, if this is passed?

Steve Pastorik

So if it's agriculturally zoned at present then they already have animal rights. If it's not currently zoned agricultural then they would have animal rights under this proposal. Now again the purpose in creating the Residential Estate, the RE zone, is that, as I mentioned, these 756 acres the City anticipates residential development at some point in the future. In looking at the agricultural zone the thought there was there are gonna be properties that aren't quite ready to develop and so instead of proposing residential zoning now having this agricultural zone until such time as a property owner is ready to develop. But to answer your question, yes, in the time that the property is zoned agricultural there would be animal rights.

Barbara Thomas

We have other questions? Okay is there anyone who would like to speak to the zone text change? We're dealing with the three issues of creating an A-2 zone and the RE zone and enact regulations regarding the rezoning of their property. Sir let's start... okay this might be difficult. Should we have them stand in line? Let's just start then, this gentleman that raised his hand first and then I'll alternate side to side. And don't forget your name and address.

Chris Gamvroulas

I'll try not to forget my name. Chris Gamvroulas, Ivory Development/Ivory Homes, speaking against the application, both applications today, if you don't mind, since the two are tied together I'll not speak to the second application. Steve would you put up the one slide that showed the comparison of lots in the surrounding communities? Back... back one... there ya go. So the reason that this slide really is irrelevant in this discussion is that the majority of the communities where you see the larger percentage of single family homes are communities that are still very much in development. Riverton is only about 50% built out, South Jordan is only about 50% built out, West Valley is 97% built out. If you really want to look at comparable lot sizes to multi-family you'll look at Salt Lake City, you'll look at Provo, you'll look at Orem, you'll look at Ogden. Those are gonna be your more comparable communities. Not that this isn't instructive, it demonstrates the lot sizes relative to surrounding communities in Salt Lake County but West Valley is unique in Salt Lake County as are all the cities in Salt Lake County. I would submit to you that you'll find a high percentage of multi-family housing in Holladay and Cottonwood Heights... you will, they're built out communities and so they're doing infill development. The vast, vast majority of the properties that would be subject to this are infill projects. We have a large stake holding in your community, some of you I've known for 20 years, you know that says something about your longevity here and I guess mine. But when we started having these conversations that Steve alluded to earlier about how to raise the housing stock many times the City came to the Ivory companies and to many other builders, I can only speak for ourselves, but certainly not to speak against any of the other builders or developers, but we have been working with the City to raise the bar and we have been trying to improve the housing stock and we've been successful and not one time have we really improved the housing stock or improved values by saying every lot has to be 15,000 square feet minimum. It just doesn't compute... housing quality does not necessarily mean home values. And I would submit to you that in Highbury where we've built 98% or 95% of all the for sale housing, in Highbury both townhomes and single family, I'd submit to you that our townhome sales prices in the low to mid 200's tells you that it isn't about lot size, it is about quality and the quality of community design. And if you said to me, Chris, cuz you've said this to me over 20 years, let's improve the housing stock in West Valley and lets look at all the communities that've been built here and let's make a list, its like a recipe for a really nice loaf of bread and so what are we going to put into it? Do we just arbitrarily toss flour and salt and call it good or do we actually follow a recipe? And this, you know, this proposal when did we ever say 15,000 square feet... like if you are gonna drive around your City where would ya look for that and say that's raised our housing quality or 12,000 square foot lots or all brick? 100% brick exteriors? Drive around any community, I don't

mean just West Valley, but drive around any community where you think that there are high property values and tell me if you think that's an ingredient in your tasty loaf of bread. It's not. It's like saying eh, let's throw in some salt, it'll be fine, because I saw somebody make bread one time and they put salt in it. And that's what this proposal is. It's an amalgamation on how to try to make bread but it's really not following the right recipe. You wouldn't say third car garages are mandatory, you wouldn't say, you know, 20% open space. The City itself cannot support 20% open space and you're asking for a community. Let's say you have 15 acres on 5600 W and you're telling you have to give up what 3 acres of that to a park and have a homeowners association maintain it. But the City itself can't maintain 20% open space, if we said raise taxes so that everything was 20% open space. But there's an expectation in this document that homeowners associations are going to be able to maintain, at a high quality, 20% of their property in open space just for no reason but because they went from 15,000 square foot lots to 12,000. I submit to you that there are much better ways to do this, we've been doing it for 20 years, we've been doing it successfully, we have the right recipe. What Steve said earlier about, you know, we've been working with the development community you know in the mid 90's and in the mid 2000's and we did that in conjunction with the City, it wasn't something that was ordained from on high, it was something that we worked together to do. I submit to you that there are a lot of people here today who have properties and the values of those properties are going to be severely diminished. Severely, severely diminished if this ordinance is passed. So I would really highly recommend that you pass on a negative recommendation on this and go back to the drawing board, bring the community in, bring the property owners in, all of the stake holders, and then if you really feel like your ordinance isn't working then, you know, let's rewrite something but let's do it together and let's not have something that's forced on the community. Thank you.

[applause from the audience]

Jack Matheson

Chris...

Chris Gamvroulas

That's the first time anyone has ever clapped for me. Can that go on record? I've spoken in probably 1,000 Planning Commission and City Council meetings. Thank you. I love West Valley. Yes?

Jack Matheson

Under this zone text change you would not be allowed to build anymore townhomes.

Chris Gamvroulas

That's correct sir.

Jack Matheson

My opinion, townhomes are a good part of your business and the townhomes that you've built are superior quality to other townhomes I've looked at. And so it really concerns me that that part of your business would not continue on.

Chris Gamvroulas

Sir, that's true and this isn't just about an Ivory Homes concern. It's about, you know, what is good housing stock and what is good housing policy? And townhomes are a part of that. And your City is a microcosm of what is good in housing. It already is. Because it has affordable, it has move up, it has a variety and this proposes to take a one size fits all approach and say this is the only way to create quality or to improve values. And we just don't believe that's the case, we don't believe that the empirical evidence is there. And I would submit to you that on your own property, on the City's own property, where we are sitting right here on 2700 West that it is zoned for high density and the City did not put their own property into this application. And the reason is, and they were right to not by the way, but the reason they didn't do it was because it's not appropriate. It wouldn't be appropriate to put 15,000 square foot lots next to a Trax station, it wouldn't. They were right. I applaud them for that. But that also means that we must be specific and look at these specific case by case and make sure where it makes sense to put 15,000 square foot lots by all means let's do it. We have a lot of those in Highbury, we have a lot of those. Where it makes sense, let's do it. But if it doesn't make sense? Then you know, don't just put that in there. So whether its townhomes or 6,000 square foot lots or half acre lots, Jack, you're right on. But it's not just about our business model. We'll go somewhere and build townhomes, that's fine, but it doesn't help the overall community.

Jack Matheson

Thank you.

Chris Gamvroulas

Thanks... we gonna raise a flag now or something?

[applause from audience]

Stephen McCutchan

My name is Stephen McCutchan, I'm a land planner. My address is 1750 Janelle Way in Sandy, Utah. I'm here representing Don Parker properties today. I sent a letter in that was part of your packet. Just to address the ZTA, I think our biggest concern, I think my biggest concern, is historically the way this system has worked is that individuals have the right to request whatever they thought their property was best used for and then it was the City's role to then determine whether that was in the community's best interest. What the ZTA does, particularly the section of it that would restrict all future zoning to a couple different categories, is you're basically saying we know better than you do what your property is good for. [applause from audience]. And it kind of breaks down this basic principal I think that's, you know in American history and the Constitution and those types of things, that individuals have the right to propose whatever

they wish on their property and then it's your job to figure out whether or not that's in the community's best interest. We would recommend that you strike, at least strike, the section that says only these zones can be applied for and then, you know, allow individuals to move forward. And you know it's kind of like you're trying to cut the process off at the knees in some ways by doing this. And I guess I'll come back and represent the property in regard but I think that in the long run the City is making a mistake and depriving a lot of property owners the right to try at least to improve their property in some way. Thank you.

Barbara Thomas

Thank you Mr. McCutchan... questions? Ok... thank you. Sir, in the front.

John Betts

My name is John Betts. I am neither a developer nor a planner or anything else, I am simply a citizen and a resident of the City. I'm here because I'm concerned about the proposals to rezone the remaining land parcels in West Valley City. What the ultimate result in increasing the minimum building lot size to 15,000 square feet per lot as those parcels are developed, but I'm going to approach this a little bit different than the previous two speakers. I've listened with great interest to news reports asking the public to change their habits concerning the use of natural resources, water chief among them. Just Tuesday Channel 5 reminded us that the recent wet weather has not materially changed our current drought status. We are after all the second driest state in the nation in terms of annual precipitation. They reviewed the cities in Utah that have either put watering restrictions in place or are considering them. It was mentioned that Salt Lake County has asked for voluntary conservation efforts on the part of the citizens, municipalities, and businesses. Envision Utah is an initiative from the State to encourage everyone to look to the future to conserve water and to make use of other efforts to lessen our impact on the environment. Concerning water there are two measurement standards that are always referenced. First, the per capita use of water and second, the percentage of that use that takes place outside the home for landscape, etc. The Jordan Valley Water Conservancy District for example has a stated goal of reducing per capita water usage by 25% over the next few years. This proposal, to increase the minimum lot size in West Valley City flies in the face of all efforts to reduce these measurements. Larger lots will directly and inevitably lead to dramatic increases in both of them. With only 3 lots, each 15,000 square feet in size per acre, water usage for landscape maintenance will dramatically increase. With only 3 homes per acre, each at 15,000 square feet, the per capita use of water will also dramatically increase. Now so that no one will twist my words to make unfair comparisons as seemed to happen at last night's City Council meeting, let me be clear. While it may be true that a 15,000 square foot lot with drought tolerant plants may use less water than a 10,000 square foot lot with bluegrass, it is absolutely true that a 15,000 square foot lot with a drought tolerant landscape will use about 1.5 times the water as a 10,000 square foot lot with drought tolerant landscaping. If reduced water use is really a goal, lot size is a major factor. All else being equal, large lots require more water. This proposed land use model seems to have its roots in the last century. This model however is not valid in today's or tomorrow's reality. Other cities, Draper for example, are moving in the opposite direction, reducing their minimum lot size requirements. To avoid any confusion again let me emphasize

that I am not advocating high density housing. I am advocating upscale homes in upscale neighborhoods with lot sizes of 9-10,000 square feet. But it makes one wonder what the impetus for this proposal really is. I asked that of a City employee in the Planning Division. He said that the City wants to make housing available to those with more means and income, to upgrade the population if you will. Now I don't necessarily disagree with that. However, I think that goal can be more efficiently achieved with some of the other proposal components. For example, I do believe all brick exteriors would help, I do believe minimum single level home sizes of 2,000 square feet, multi-levels of 3,000 square feet, 3 car garages... I think those things do lead to upscale homes in upscale neighborhoods. They do not impact water usage. Lot size, for me, is the negative factor. I believe larger lot size minimums is bad public policy. I urge you to reconsider this proposal and to instead come up with land use and land development strategies that more closely follow the governor's Envision Utah initiative and the Jordan Valley Water Conservancy District goal to reduce water use. Land development strategies must look to the future needs of our City, our State, and our citizens. I ask the City to focus on our future and not the past. And now for just a moment I am going to get more personal. Glen Brock has spent his lifetime acquiring, farming, and holding on to his land in order to fund his retirement. Reducing the number of homes that he can build on that land reduces its sale value and therefore his retirement account. You are taking money out of his pocket. He is a lifetime resident of this area and this community. He was a resident here before this was a community. You are taking money out of his pocket and giving it to someone who may or may not have any connection to this area of the City at all. I seriously doubt that you'd be making this proposal if it was going to have that impact on your father's retirement. Thank you.

Barbara Thomas

Thank you Mr. Betts. Sir? Oh no sorry, the next gentleman. Thank you Mr. Betts.

Dan McCay

Thank you, my name is Dan McCay, Vice President for Suburban Land Reserve. Our address is 111.. oh sorry 79 South Main Street, Suite 500, Salt Lake City 84111. We've owned and developed property for a long time here in West Valley and we feel like that's been a valuable partnership. We appreciate the relationship that we have with West Valley City and have worked hand in hand with the City to improve the quality of development throughout the City especially on the properties that we've owned. In partnership with the City at Highbury and Lake Park, those two projects specifically, we've built approximately 2 million square feet of office space and we've built some of the highest valued homes in the area. We haven't sold a home in that project area for less than \$300,000 in the last 5 years. That's during the worst real estate market we've had in my memory. Granted my memory is shorter than many, I'm younger than I look. Arbitrarily setting standards and guidelines and prescribing to the market what the house needs to be or what the lot size needs to be will have a detrimental effect on absorption and a detrimental effect on values for the properties that are sold. And it could actually have a reverse effect if the homes that are built are not re-saleable or not interesting to the market when it is time for them to be resold. It can have a detrimental effect to the City. The City is doing the right thing. It's striving to improve the quality of development within its borders. It's absolutely the

right thing to do and I don't think anyone in this room would argue that we need less quality in West Valley City or in any City for that matter. Those steps, though, are made incrementally. And wise development decisions are made in ways that are flexible to the market and that are in response to the demand and in response to the needs of the City. A wholesale carte blanche downzone of an entire residential market can have a depressing effect on the market. I would ask that you not approve this rezone and the one coming subsequently as our property is included in that. I think later you'll hear a report from City staff, you can correct me Steve, but one of the properties that was included is subject to an annexation agreement that has a promised density and zoning for that property. And it was not included, we brought it to the attention of staff yesterday. They've since reviewed the agreement and we all agree that a long long time ago we all made an agreement that we wouldn't downzone that specific property. So, with that, I ask that you not approve the rezone, and I yield to questions.

Barbara Thomas

Thank you Mr. McCay, there are none.

Dan McCay

Thank you.

[applause from audience]

Barbara Thomas

The gentleman in the blue hat with the W. Then from this next side, sir, you'll be the next one.

David Brundle

My name is David Brundle, let me take my hat off. I'm a resident, I'm not a very good speaker so I'll make it short. I'm a contractor here in West Valley and I moved into West Valley before it was a City in 1973. I live at 3264 W 3100 S, I have approximately 4 acres. I have horses and animals on it since I've raised my kids and family there. I've worked in West Valley City. I worked and help build Toys R' Us, I've built several homes... I've not built homes, excuse me, remodeled them and added on to them. So, the community has been good to me but my property I've kept for many years now that I'm at the age of 74, I'm retiring and my kids and my grandkids keep saying Dad, develop the property we have over here so we can have a home and live next to my family. If you implement this new zoning, it'll impact me tremendously because now I would have to have- we want to keep our horses and stuff there and if I have to do that I have to have two acres to have one house. Well, then I can only build two lots on what I have instead of building maybe four or five with my children and my grandkids to help them succeed in life. Also I have a house next door to the one that we live in that's on a half acre and it's like 140 years old, its ready to collapse and we've been debating whether to tear it down and maybe build two houses on quarter acre lots which would be pretty good sized lots. But I don't know if that would impact what we're trying to do now. My theory is I think that we should not pass this and also I'm a masonry contractor and I also do siding and stucco and I don't see where doing masonry on a brick house is going to change anything in the City. A little bit of appearance, the

aesthetics will look better even if you put a little on the front or a little stone. But if you do it total brick house, your cost is going to be so high that people aren't going to be able to afford it. And then you can't build a \$350,000 home next to a home that sells for \$170,000 or \$180,000 in West Valley City. And you can't pay \$100,000 for an acre lot and another \$100,000 for 2 acres and then build a home for another \$200,000. Then you've got a \$400,000 home... people can't afford that here in West Valley. Most of them. And you wouldn't build next to a \$175,000 home anyway. So my comments is I think you should not pass it. Thank you for your time. And I agree with my two opponents before me. They're better speakers.

Barbara Thomas

Thank you Mr. Brundle. This gentleman here and then sir in the back.

Robert Farnsworth

Good Afternoon, my name is Robert Farnsworth and I'm here to speak on behalf of my mother MaryAnn Farnsworth. She lives at 3696 S 5600 W. Long life resident... 1937 is when they settled on 5600 W. I've been in the real estate business for 31 years... broker/developer. I was also one of three realtors that was part of the Envision Utah process which began in the early 1990's. I have been past president of Salt Lake Board and developed everything from a little parcel to a hotel so I have a little bit of experience in there. I want to speak to the A-2, RE Zone. The creation of this zone might be a good, I guess, theory or it could actually work it's creating a zone for the RE. But its implementation is a disaster and a big concern. For the record, this downzone will create an unfair major economic loss to a lot of property owners. I've estimated that depending on the parcel involved that the average loss to the property owners will be about 38% depending on the parcel, whether it's a small parcel or a larger parcel... it'll be between 35-50%. In many cases these owners have been paying property taxes at a different use, that's not fair. The land will be consumed faster and using more resources, specifically the water, and I'm glad somebody brought that up. That's been a big part of the Envision Utah and the regional planning process. Of course the housing costs are increasing and I've spoke to this body before, probably not you directly, when you've been changing some of your other ordinances, I spoke on behalf of the Salt Lake Board of Realtors that time. I believe you're trying to force this round peg into a square hole. And I think two of the other speakers said it pretty eloquently... it doesn't work on this mass planning downzoning. The implementation seems to be a little bit backwards to me. I think you're trying to do it all at once. I think it would have made a lot more sense to break this down into some type of regional planning and look at it and get with the owners, get with developers, get with your community and find out a little bit more of their concerns before a mass rezoning change. I would request that the application, the ZT-3-2015, to create the RE zone and the A-2 zone be continued, if not denied, until further study is made to determine the impact of the property and the property owners and their unfair economic loss. Now speaking directly to the zoning amendment, 7-5-101C. Somebody already said this, that you need a little flexibility in your plan. And the best plans have flexibility. The proposed zoning amendment limits future zoning to basically 9 zones. This restricts property rights and, a little consideration here for you folks, this restricts future Planning Commission's and City Council and ties their hand. I would think looking into the future that all the time you guys have invested into your City you would be

biting the hands of future Council's and Planning Commission's. Now the future of Salt Lake Valley, we're going to be built out in about 10 years, all the big parcels will most likely be developed by then. So what the future brings, with our exploding population, is a lot of assemblage. We will have tear downs and some infill. They'll all be what was left. If you change that zoning amendment to restrict the type of zones that would be allowed in the future, you're going to put a big, well you're going to slam the door on redevelopment. One other concern I had about that is those zoning changes, especially in assemblage, that is going to effect a lot of property owners that weren't even noticed to be here today. They don't even know how it will affect them in the future. I know of 5 parcels that could be assembled. So I want to give you an example of a lot of what we'll see in the future, not only in West Valley but in the whole valley. So we take the 5 parcels and together they make up 1.06 acres. Under the proposal, they could only be rezoned to the A-2 with the RE zone, right? So that requires a 100 foot frontage with 15,000 minimum square foot lots. That means that you would be limited to a development on those particular parcels to 2 homes because of the 100 foot frontage requirement as well. These parcels already have an existing R-1-8 zone except for... wait... no half of it has R-1-8, half has an A zone. So typically when you come into a Planning Commission and work with staff to get your projects approved, you'd look at that and say, well you know the other neighbors and everything around me is R-1-8 and we're going to kind of conform and make an application for an R-1-8. On an R-1-8 zone, even with the road, that would give you 5 lots. If you look at the valuation between the two lots and the five lots, there's about a \$150,000 valuation difference on that property owner and what they're going to receive. That's 50%. The economy's, the economics of your proposal is going to stop redevelopment. I know that isn't part of your concern right now because you're looking at these big parcels and trying to change your housing stock. I want to just have you look into the real near future, this 750 acres is going to be gone. It won't take that much time, even if it takes 10 years. I believe that the future of West Valley City in the development, especially as you look at assemblage of these old parcels, like the home that this gentleman just told us about, you're going to really stop any suitable development without those other zones. So I would say, and beg you, and request that you take a look at this. More time is needed to be considered on this. Without a doubt, the zoning amendment change of 7-5-101C does not consider the future needs of the City. And I request that you deny that part of the proposal in the zoning amendment. Thank you.

Barbara Thomas

Thank you Mr. Farnsworth. Oh excuse me Mr. Farnsworth, there's a question.

Brent Fuller

When you came to your conclusion of 36%, I think 35%, 36%...

Robert Farnsworth

I have an average of about 38% and a range from 35%-50% depending on lot size.

Brent Fuller

But what you anticipated was most of these are A lots. So you anticipated going to what size of zone.

Robert Farnsworth

Well I played with a couple different because the one assemblage site that I looked at, like I said, already had R-1-8 and an A zone next to it so I ran those at the A-2 versus an R-1-8. And it might be the extreme so that's 50%. Then I ran another scenario and looked at a 7 acre parcel and then ran the numbers on it looking at the A-2 zone with the 15,000 minimums and it was about 35% so that's the range.

Barbara Thomas

Thank you. While this gentleman's coming up there was somebody from this side, you sir. And then from this side on the back with the black and then we'll keep going. Thank you.

Ross Holliday

Hi my name is Ross Holliday and I am the chairman of the Governor's Affair Committee for the Salt Lake Home Builders Association. I'm also a builder/developer, primarily a builder. I have built many homes here in West Valley City over the last decade. And to date we've probably built somewhere to 1500 homes myself. And in that experience we've learned a lot of things. We were honestly a little bit dismayed when we heard about this. Our position as the Salt Lake Home Building Association, that's really who I am here to represent, and speaking with a large number of our members is to not move forward with this. We don't want you to stay it, we want it to end. We hope it dies, we hope it doesn't get approved. The biggest reason for that is, it really is a fleecing. It has the potential to strip tens of millions of dollars out of your citizen's pockets. One thing about the home building industry is that it's completely unique. It's different from a convenience store, different from even a grocery store. There is no greater job creator than the home building industry. We have independent research that suggests that. I want to share a little bit of this with you because what in essence what your tradeoff is at this point is to give up the future of a few hundred more homes, potentially thousands of homes here in an effort to bring in what is deemed to be a high, I guess a new kind of person to your City, that wants to build a big fancy house. And I build those, I build million dollar houses, I build \$200,000 townhomes. I built the full gambit. The National Association of Homebuilders has performed a study which we'd be glad to present to you. As a matter of fact I believe someone in the Economic Development office here has asked that Jeran Davis, our executive officer, come to present it in more detail. So just compiled in March of 2015, what it basically shows is that for every 100 new homes that are built, you literally take in 21.3 million dollars of localized income. Think about that. 3.2 million dollars in taxes and revenue for the cities and local governments. We prepay for future services through the impact fees. We pre-buy ahead the future infrastructure that is needed. What other business comes in and pre-buys the infrastructure? Considering that it also leads to 320 local jobs. Local. Not people who drive into West Valley to work and out but people who would live in this community, buy a home in this community, shop

in this community, and have their children go to these schools. And so the impact is incredible and that's just the, that 320 jobs is just in the first year. And then they break down what they call a ripple effect and even a longer term reoccurring effect. The reoccurring effect is 3.6 million dollars in local income to local business owners. A million dollars in additional annual taxes and government revenue which in effect leads to the budgets and the ability for the City to operate successfully. One of things that I would really encourage you to think through is I look and have been a part of building here in the City is that this community has made tremendous strides. There have been some excellent things that have been done here and I would argue that a lot of what has happened here has been, you know, a build out of neighborhoods that's the old adage 'retail follows rooftops'. As you expanded your rooftop base, you began to be able to attract the kinds of commercial and the kinds of lifestyle oriented businesses that make people want to live here. And then when I come in here today and I consider the fact that we're considering a policy that potentially has the ability to completely retroactively work against all that has been done for literally 2 decades, it calls into question some of that thinking. We would strongly encourage you not to do it. West Valley doesn't need high-brow citizens that live in \$500-600,000 houses. It doesn't need an economic removal of value to land owners that have depended upon zoning for decades. To have that stripped out because there was not a full and complete effort to include a larger group of people to put something together that would be more cohesive and comprehensive. So with that, I share these thoughts and if anybody would like that study I'd be glad to present that to them because I think it's perfectly applicable to this situation. If you have any questions, let me know.

[applause from audience]

Barbara Thomas

Thank you. Just a minute... are you a property owner? Uh the man behind you that was signaling to me? Ok, then you come up. Then the lady in the back with the lavender shirt. Then you can come after that.

Jim Yates

Thank you. My name is Jim Yates. I live at 3076 Cruise Way. I'm Glen Brock's son-in-law. I'm sure he'd be with us tonight but he has some health challenges that would not allow that to happen. Glen Brock and their family has owned big, large parcels of property in West Valley for many years. Lots of neighborhood kids have worked on their farms and help sold produce. As I mentioned he has many health issues and I'm concerned with the rezoning and, as been mentioned, the down valuing of his property. It would be a financial hardship due to this loss of property value and in fact it would probably alter his standard of living and probably even the medical care he receives. Additionally I want to talk about the correlation between large lots and the overall values that are expected. The Ivory Home guys are going to be happy with my example. For example Ivory Homes is building several upscale communities around our county. One of which is in Holladay/ East Millcreek and the lot sizes up there range from 6,100 to 8,300 square feet with the home sizes ranging from 3-5,000 square feet. I think people want- it's pretty fast times right now, people want to maintain less yard. Whether its xeriscape, desert

landscape... we've heard about the water concerns. There's not a lot of correlation between, other than the value of a larger lot, buying the earth... you can buy a nice, beautiful home...these are gorgeous little subdivisions going in just east of us. One other thing, last night we heard from the City Council. One of the council members said trust us, we will look at rezoning this if needed when it actually comes time to develop it. I've been involved in car selling for 30 years and I know the word 'trust me', believe me. And 'trust me' doesn't protect the buyer or the dealer. In fact, I don't know that he was even aware that one of these amendments, or whatever you call them, restricts the zoning period. You can't change it. Ever. Anyway with only about 3% of the property remaining, these long term property owners shouldn't be penalized. If it wasn't for them, you wouldn't have your 3% of the property even remaining. They should be applauded for being able to hold out with their families during these economic times that they still have that property, that they can still farm that property. And if and when they eventually decide to sub-develop it or whatever they're going to do, they shouldn't be penalized for that. So we're not in favor of it. Thank you.

Barbara Thomas

Thank you Mr. Yates. I'm sorry the gentleman in the back I skipped so if you'd come forward.

Anthony Jacketta

Good afternoon, I'm Anthony Jacketta, 2834 S 6100 W. Not a builder, not a developer, don't got no fancy stats and everything. What I do want to say, I've grown up getting vegetables from Brock. My family has farmed this ground, as well as the Ketchum's, and I don't think it's right for the City to tell them how to be able to develop their ground. My problem is lack of planning in the past shouldn't be up to these folks right now to fix everything. These guys, just like this old boy said right here, they fought it out through the hard times and now because of poor planning in the past, you want these folks to fix it all. I don't think it's right and I'm standing up here in total opposition for it. God bless all you folks out here.

[applause from audience]

Barbara Thomas

Thank you Mr. Jacketta. Who did I? Did I call on somebody? Ok.. let's go here and then [laughter] you gave it up. We'll come back.

Kelly Engel

My name is Kelly Engel and we live at 3610 S 3440 W. The homes you're describing are very high end for this area. We really understand your intentions to improve the City and if we weren't land owners and weren't being personally affected, we'd be all for it. But let's be realistic. West Valley has a bad reputation for gangs and crime and there are areas that border on being a slum. I look around some of these neighborhoods and I see grass a foot high, couches on the porch, cars parked on the lawn, and 3 or 4 families living in one home. Until the City enforces the ordinances that are already in place and clean up existing neighborhoods, you are not going to get people to move into West Valley and spend \$400,000 or more on a home. We

have 3 acres and are surrounded by these neighborhoods so you are tying the hands of property owners who may be looking to use land as an investment. What if we can't get anyone to buy our property with the restrictions you want to place on it? You are willing to gamble with our private property and our livelihoods but we're not. We know how the system works, you've taken land from us before that we didn't want to sell and we didn't come out the best end of that deal. We're very hopeful that you will listen to us now.

Barbara Thomas

Ms. Engel, did I get your address?

Kelly Engle

Yes. It's 3610 S 3440 W.

Barbara Thomas

Thank you very much.

[applause from audience]

Donnie Sweazy

Good evening, I didn't get the chance to have a speech, my name is Donnie Sweazy and I'm here on the property at 7103 W Gates Ave. Apparently we bought too soon because we could have bought these a lot cheaper with this ordinance coming into play. So I don't know if there's going to be a lot of grandfathering going on or a lot of widows. In the past I've been through RDA's, rezoning's on several properties that I've been involved in. This is a great detriment to everybody that owns property. If anyone wants to build a 15,000 square foot property and a half a million or million dollar home, I think Planning and Zoning would be all for it, wouldn't you? Planning and Zoning?

Barbara Thomas

Yes we would be.

Donnie Sweazy

Yes, so we don't need an exclusive for them. So people that already have small lots that were divided long before some of us were born or even in the State. I've been here since '78, been right here in West Valley before it was a City. It's become a great City, it really has, and all the surrounding county has, it's a beautiful place. But the diversity is what's great about it. You can have a small home, a big home, but fair market value fluctuates, water finds its own level. So if you want that piece of property to develop or you buy two more like we just did next to our existing property and now we pay too much because they'd be a lot cheaper. So people are going to be forced. There's going to be people that win, there's going to be people that lose. But it's really going to be one sided or the other for this because if you have a small parcel you can hold out because you know, there's only so much dirt. If you have a small piece than that makes the 2 acre minimum and the 15,000 minimum... you're really making it hard for everybody. I hope

this is denied and doesn't come back. Because the zonings already exist. You come and you get it rezoned. You make it fit whatever you're doing.

Barbara Thomas

Thank you Mr. Sweazy.

Jack Matheson

Could we have Steve talk about grandfathering just a little bit?

Barbara Thomas

That's a good point. Thank you.

Steve Pastorik

So there are potentially several scenarios. There are properties that, again as we discussed in the Study Session, that have already received subdivision approval so those properties that have received subdivision approval and have a development agreement would continue to develop under the standards under which they were approved. So those could certainly continue that way. There are some smaller properties that, for example, would be zoned R-1-10 for example that were less than, that were vacant, and less than 2 acres that would not be impacted by these changes. Again as we'll talk in more detail in the next application, there were criteria used to selecting those 132 properties that are proposed for a rezoning. One of those was that the property either individually or collectively vacant properties would join one another would be 2 acres. At least two acres. And so those that are smaller than 2 acres would not be affected.

Jack Matheson

Thank you.

Barbara Thomas

Thank you. Man in the black. The next person from this side? Is there someone? Lady in the green. Gentleman in the green, sorry.

JoAnn Jacobs

Hi I'm JoAnn Jacobs and I live at 3935 S 6000 W. I've been kind of hanging out at the City Council meetings the last few months and watching the development of all of this and it's been kind of interesting to see. West Valley City has this grand plan to move the poor over here to this area and tear this down and re-develop this and make West Valley City the next hot spot. OK that's great. This proposal would actually benefit my property because I would be next door to it and it would bring my property values up. However, it is completely unfair to the current property owners because they have had long term plans, it does create financial hardships. I was here last night and the City Council was kind of flippant and pretty much like they weren't going to listen to anything anybody had to say, they'd already made up their mind on what they were going to do, all the plans were going forward. I got to doing some research and I found out a lot of these pre-approved neighborhoods that are getting ready to go in are partially owned by West

Valley City. West Valley City owns 352 properties in the City and a significant number of those are over 2 acres so obviously they have already been laying groundwork to put into place this grand plan that they have. Which is great for West Valley. If they own the properties and they want to put this type of infrastructure in place they should be free to do that. As a City I could see how that would financially support the overall balance of the City. But to implement and force upon current residents changes in zoning that wasn't existent when they purchased their properties and to create such a financial hardship as a community is unfair and unjust in so many incredibly difficult levels to uncover. I absolutely oppose this even though in the short term benefit me I think that it would be so absolutely disastrous to the community as a whole. Being a realtor in West Valley City I just can't see how it would ultimately benefit the community. I just can't go there.

[applause from audience]

Barbara Thomas

Thank you Ms. Jacobs. The lady back here on the back row, in the lavender. And then you sir in the green would be next. I'm sorry.

Mary Jayne Newton Davis

Good evening commission. Thank you for having us and for listening to us. We have had so many eloquent speakers and I don't have the background in land use like some of these folks. I'm a retired English professor but I am also a land owner and I speak for my family and I say that we have been in this City since 1870's. As a family, we own a fairly substantial amount of property. Probably the last very large piece left. We treasure this. We treasure this land. We have loved it, we live on it, when Brock farmed it for years we were so appreciative of that and as was the community. And so we celebrate this land. We would love to keep it, we would love to farm it. We can't. We probably cannot pass it down another generation either. It becomes very difficult for us, we're torn. We have an emotional attachment, as we do to our neighbors and our neighborhoods around us. We have all lived here our entire lives, never living anywhere else. This zoning restriction seems to me personally, and again I have not the credentials to maybe back that up, somewhat capricious. It's also prohibitive. It prevents us in many ways from taking care of this property that we have so long been invested. It also makes us feel that if the Council, if the City Council isn't listening to us, that you will listen to us. That you will relay to them our desires, not just my family, but all the people here, our community, that we need to be heard on this issue. We are very very dedicated to seeing West Valley become better and more upscale. Of course we are. The City and the City Planners and the City Attorney have been wonderful people to us. They have worked with us, they have done everything in their power to help us. Please let them continue to do that. Not just for us but for all the people that are here. Now I think I didn't give you my address.

Barbara Thomas

And your name.

Mary Jayne Newton Davis

Mary Jayne Newton Davis. I guess I just thought they knew it.

Barbara Thomas

Many do. And what is your address Ms. Davis?

Mary Jayne Newton Davis

6685 W Feulner Ct. Thank you.

Barbara Thomas

Questions for Ms. Davis?

Brent Fuller

What's the status of your property now that it has been looked at to be developed?

Mary Jayne Newton Davis

It's currently A and it's being farmed.

Brent Fuller

But you had it for sale.

Mary Jayne Newton Davis

We did have it for sale. We put that on hold. We would like to see something very complimentary to the neighborhood surrounding us while at the same time lifting us to maybe a higher level than what we have experienced.

Brent Fuller

And when your desires was... did the builders pull out? Or what happened there?

Mary Jayne Newton Davis

No, the builders didn't pull out. We put a hold on it. As a family we had a discussion and we put a hold on that. We are going to keep a hold on it until we see something that meets our standard which is somewhat higher, as a family, that we think will enhance our neighborhood. We're very dedicated to our neighbors.

[applause from audience]

Barbara Thomas

Thanks Ms. Davis. Gentleman in the green and the lady right there in black with the turquoise.

Robb Martin

Hi I'm Robb Martin and live at 3888 S 6400 W. This is a property that my family has been there since the '30's, I was born there. We farmed this land, we've raised our horses on there. Some of it's been sold off but I have a different opinion than this gentleman here who doesn't want

animals next to him. I happen to have a neighborhood subdivision that moved in next to me and I'll tell ya, it has not been fun. Complaints all the time whenever the wind blows, garbage in my yard that blows in from their yard so I have to constantly keep my yard clean from other people's mess. 4th of July, New Years, 24th of July anytime there's something with fireworks I have to be out there in my yard because fireworks tend to be shot into my yard, at my horses, my animals and to protect my barn and haystacks from getting burned down from these things. 3% of West Valley is agricultural. That's not very much. Why does it have to be 100% in housing or businesses? Why can't we have some open areas? The open areas don't cost the City anything. There's less traffic when those open areas are there. My agricultural lands don't use City water so we're not using all this water that everyone's been talking about. You don't have to worry about the sewer, you don't have to worry about public services coming onto these properties. Just think about that. I mean ya, they've talked about how it can bring money in for the City, how they can make money but open land doesn't cost you money to have it there with animals or it or to be farmed. They brought up about grandfathering. That's why I'm really here, for the grandfathering. When you put on here 2 acres for agriculture, there's many people out here that have less than 2 acres that have animals and have some agriculture on their less than 2 acres. We would like to keep our grandfathered rights of having our agriculture to grow our crops or to raise our animals. Very few people here, apparently everyone's for building houses, but I'd like to stand up for the few of us that still have properties with some animal rights. I think we should keep those. It makes our City better to have these things, to have some diversity instead of just wherever you drive you just see houses. I enjoy seeing open areas and seeing animals and I hope other people do too. Thank you.

[applause from audience]

Barbara Thomas

Thank you Mr. Martin. Any questions?

Carol Ferguson

My name is Carol Ferguson, I live at 3657 Summertime Place. My great great grandfather was one of the original settlers of Hunter which is what West Valley used to be called. My kids, yes, worked on Brock's farms. I am neither a property owner, at least as far as those properties go, nor am I a builder. I am a retired school teacher. I teach in schools in West Valley. I taught the students that came from all different kinds of places from all over the world. I had 4 children that I raised in West Valley. All 4 of them loved living in West Valley, not one could find a home to buy in West Valley. If I were a new schoolteacher today and this passed, I would not be able to buy one of those homes. Currently, with my situation the way it is (retired), I could not buy one of these homes. I'd like to think of myself as a solid citizen, a good neighbor, a person that contributes to the community. But when I hear things being batted around such as upscale and getting a better quality of people I think wait a minute. Just because the State of Utah has decided that school teachers should start at \$30,000 a year doesn't make us less of a good citizen. There are a lot of good people out there that cannot afford a half million dollar home. And

they're good people. And you want them here. I worked here all my life, it hurts that not a single one of my children can be in my City. And that's all I wanted to tell you, thank you.

[applause from audience]

Barbara Thomas

Thank you Ms. Ferguson. This side that needed to speak? Sir. And then this side? Let's go this one and then the gentleman in the back with the black shirt.

Jeff Condie

My name's Jeff Condie, I live on 4157 S Colt Ct. West Valley City. I'm here on behalf of Phil and Geri Condie. We already, I was a little confused with Steve's comment because we have a subdivision that's pre-approved. There's already been about 20 homes built there and there'll be another additional 20 homes that are built. Even though it's zoned 'R-1-8' we've gone above and beyond. I know most of the lots in there... I think if you took the average lot size in there it's probably close to 11,000 square feet. I don't have a lot to add to what's already been said other than I think the thought is maybe quantity, 1/3 acre lots are going to lead to a nicer home but with the 1/3 acre lots, people will put all their money into the lots. The type of homes they want to get, you know, they may have to cheapen the exterior. Right now we have all brick, all stucco. We're in that 5%... our homes in that neighborhood are all brick and stucco. We've built bigger homes than we actually needed to but there's two parcels in there that would be rezoned back into 1/3 acre and when you take a 1/3 acre out of a 2 acre parcel and try to fit a subdivision in there, like somebody said before, it's like trying to put a square peg in a round hole. We've got a puzzle, we've got a master plan, and the City had our next piece of the puzzle but they're handing us a cardboard cutout that just doesn't fit. I guess, Lars lives in our neighborhood, I know he probably doesn't want to take care of more yard than he already has, I know. Just because it's a 1/3 acre lot, I guess the point I'm trying to get across, does not necessarily mean higher quality home. In fact it may be detrimental and it may come back and have the negative impact that way. So I'm just here to speak against it. Thank you.

Barbara Thomas

Thank you Mr. Condie. Sir?

Greg Fabiano

Afternoon commission, my name is Greg Fabiano. I reside at 8121 Copper Canyon Way. I come here to speak on behalf of the Salt Lake Board of Realtors as the Chairman of the Governors Affairs Committee. I appreciate your position in that you are simply getting input from the community and this is something that has been placed upon your plate by the City Council. As a representative of the Board of Realtors and the Governor's Affairs Committee specifically, we have a few specific concerns that we are always trying to promote and promulgate and those are private property rights and wise planning and use. Not that we have authority, but we hope to have influence. From our perspective in looking at both of these items on your agenda today, we certainly speak against both of them. Many points have already been proposed and I think

they're all very sound and are grateful for those who have put their thoughts together and come forth to speak their respective minds and I certainly echo those sentiments. A couple other things I wanted to put forth is specifically this: it seems to me what the Council, what the City Council's desire is to increase the property value generally throughout the City but I think in reality they would have the exact reverse effect by diminishing property values. So speaking to, as previously mention, private property rights, I echo what has already been said. What is essentially happening by this rezone would be robbing value of private property owner's throughout the City that is counter to their best interests and certainly for the City overall. Also I wanted to bring forth just some basic statistics. These are statistics that are fresh as of 2 hours ago before I arrived at this meeting, if this might be of some relevance. As a representative of the Salt Lake Board of Realtors we deal primarily with existing home inventory or home stock as well as we help the new construction industry and members of the home building community who have spoken here previously. I wish to speak specifically to the home stock right here in West Valley City as of two hours ago. Obviously it's constantly in flux so this may not be accurate as of right now but as the latest information here are some things to consider. The median price range of housing in Salt Lake County is approximately \$250,000. Now right here in West Valley City specifically there are active listings, active existing homes in West Valley City up to the value of \$250,000 there are only 64 available as of two hours ago. 64 houses, that's it. So as the woman who spoke previously that her children cannot afford a home in West Valley City, I can understand. There's 64 houses in the entire City. The second largest City in the State has 64 houses available up to \$250,000. Now here's an interesting juxtaposition, pending sales (that means people, homes that have received a purchase contract on them) in this exact same area within the past 30 days are 150 pending sales in your community. That means you have approximately 3 people buying... excuse me, just the opposite... you have 3 people trying to buy for every 1 person that can. You have a very limited supply here. That's homes up to \$250,000. In the past 45 days there have been 139 that have sold but there are only 64 that are presently available. That's how tight your marketplace is here. In short, I wanted to help you understand that there is a lot of demand for people to live here. So for the premise that the City Council seems to come across, people don't want to live here, that is blatantly false. You have a large group of people that want to live here. Now I'm going to give you another couple statistics. Now we go from the, that's up to \$250,000. Now \$250,000 to \$350,000 there are 52 homes available in West Valley City. There are 32 pending sales. So you have a lesser amount of people who are buying in that price range. Now one more, let's go above \$350,000. There are 6 houses presently for sale in West Valley City above \$350,000. And how many of those are pending? Zero. How many have sold within the past 45 days? Zero. Those are not numbers I manufactured and I'd be happy to give you the data, comes right off of our data stream. You have a tremendous amount of demand for affordable housing in your community. To downgrade the zone, to solely cater to the perceived wealthy wanted in the community is ignoring the entirety of your citizenry within the City. I think it is very foolish to do that. I understand the desire but I think it is grossly misguided. Again, this is a wonderful community, I have throughout my career of 25 years in this industry sold, helped people purchase, and sell hundreds of homes in this community and continue to do so to this day. I hope you have faith in your own City. Faith in your own citizenry within in this City. And I'm not a resident of the City. I used to be, but I'm not now.

Nevertheless, this is a great place to be and I hope you have faith in your citizens to decline both of these. Thank you.

[applause from audience]

Barbara Thomas

Thank you Mr. Fabiano. Sir, if you'll be next.

Jim Defa

Jim Defa, property 3756 S 6400 W. Property owners, not developers. We've had that property out there since 1931, it borders the Newton farm and same street where Mr. Martin is. We have been doing everything we can trying to maintain that property for the last 70 years farming it and continue to work it. Working with Steve and his colleagues over there, still looking for ways to try and maintain the green space out there for some period of time knowing that that's something we'd like to do. Development is inevitable. This zoning change which would depress the values flies in the face of everything that the property owners who have worked that ground over all the years have done to maintain that property and keep it viable. It's been an investment, it's been families working this property and farming it. Not making any money hardly but keep the property for love and/or for the chance that down the road to maybe make a profit at this. To do something like this and take that all away is unconscionable. If West Valley is so interested in doing this then maybe what they need to be thinking about is making the property owners whole so when the property values go down, they make up the difference. I've got a two year old appraisal and if I hadn't sold that property and the appraisal was higher than what I could sell it for then maybe West Valley needs to be looking at making up the difference to do something arbitrarily like this. Appreciate it, thank you.

[applause from audience]

Barbara Thomas

Thank you Mr. Defa. Sir? Is there someone over here that wants to be next? Ok, who wants to be after this gentleman? Sir.

Thomas Michael Mansfield

Hello I'm Thomas Michael Mansfield, I own the property at 7148 W 2820 S. This property has been set up for the family. The zoning that it is now will work for our family situation. The proposed zoning will not and the other proposal will not work. If it's to be rezoned, it will divide the children. It won't be equal. It will destroy the family's plan. It is not fair to destroy the family and our plan. So what I'm asking is to please leave the zoning the same. And keep this in mind with a lot of situations throughout the City... it'll depreciate the value as well as uh- I bought $\frac{3}{4}$ of an acre at the bottom of the 5 acres in order to have an outlet for utilities. You know this has been an ongoing project for years and so we have a plan to bring the utilities out onto 7200 W. I bought a lot specifically for that. Then it's been improved over the years, you know, been filled in. It's all been expensive and this will depreciate all that hard work as well as our family. It

destroys it for me. It needs to stay in the zoning it is right now. I appreciate the fact that you're listening and I want to thank you and that's all.

Brent Fuller

What is your property currently zoned?

Thomas Michael Mansfield

A-1.

Barbara Thomas

Ok, thank you Mr. Mansfield.

Thomas Michael Mansfield

Any other questions?

Barbara Thomas

No. Thank you. Sir. Anyone from this side next? Anyone over here still needs to speak? Ok.

Robert McConnell

Hi my name is Robert McConnell, my address is 101 S 200 E in Salt Lake, Suite 700. I represent the Giovengo properties. Their property is located at 3846 S 5600 W, it's an approximately 15 acre parcel of ground. I submitted a letter to the City that identifies what I viewed as some procedural deficiencies in the way this is proceeding. One of things I learned today from Mr. Pastorik's presentation was that this was advanced on the recommendation of the City Council which may actually cure some of those deficiencies. Maybe next time if you indicate that it's being submitted on behalf of the City Council that would be helpful to the people who are looking at the application. Even if some of those substantive deficiencies are cured there is a substantive requirement for anybody who comes in and requests a zone change from your City that's articulated in the application and that's to bring forward substantial compelling evidence justifying the change being proposed. As I reviewed the materials that were submitted, I didn't see that substantial compelling evidence justifying the change. There may be a perceived problem in terms of the stock of higher end housing for your community but I don't see anything justifying this particular change in terms of substantiating how this would be effective. One of the things that's not there is a market study that demonstrates a demand for this kind of housing in the community. The gentleman who just spoke actually in the 5 minutes that he stood up and articulated his position demonstrated that there was actually a negative. That's a negative thing. There is no demand, or not a very high level demand at that level of housing cost. There's also no consideration for other mechanisms to create the value that you're seeking. There's no direct correlation between the larger lot sizes and when you speak about going to a larger lot size, my property owner had property under contract. A developer came in, made a proposal consistent with the General Plan. I don't want to talk about the specifics of the value but that proposal was denied. The next developer came in and said well then we're going to value it on the basis of its current zoning, not on what the General Plan will allow. It cut the value by 1/3. Now if you then

take it from A-1 to A-2, I think that the gentleman who spoke earlier is pretty accurate in suggesting that it'll drop by 1/3 again. I understand, it sounds like the A-2 zone is some kind of holding zone and that we could come in later and submit for rezoning but the highest residential zoning we could seek would be under the RE zone which would be 15,000 square foot lots. If you're looking to obtain a one and a half times increase in the value from \$170,000 median value to \$250,000 median value, that's increasing your lot size by 3 times. If you require it to be at the one unit per acre of A-1, that's increasing it by 8 times. And if you require it to be one house for 2 acres, that's 16 times. This is a good community, it's the workhorse of the valley. It has lots of good people, lots of practical wisdom has been expressed here tonight. I hope that you will consider- one other kind of technical point. The Land Use Development Management Act allows your General Plan to be advisory as opposed to mandatory. When you passed your General Plan, just three years ago, you specifically indicated that it was advisory. Now you want, in a zoning ordinance, to say no we won't look at the advisory nature of a mandatory plan. The only rezones we are allowing are A,B,C,D, and E... that's not good government. And that's not good future planning. I would hope that you listen to a lot of the really practical wisdom that's been expressed by your residents. The Giovengo's would be here but they have some health issues that they're dealing with and weren't able to make it. Thank you for your time. I had a mother that served for over 20 years on a Planning Commission. I started attending meetings very young and I know it can be a very thankless job.

[applause from audience]

Barbara Thomas

Thank you sir. Were there any questions? I saw someone's hand shoot up.. sir? Ok.

Bob Gardner

My name is Bob Gardner, I live at 4432 S 4515 W. I'm far from a public speaker. I didn't even know what this meeting was about, I'm here for something way down the list, I don't even know if we'll get to it tonight. After listening to everybody, I don't see how they could pass such a thing. It just doesn't make sense. Everybody's against it that's come here, maybe that's what this meeting is for, just people against it. I don't know. But as a resident of West Valley, it seems to me you guys blew it.

[laughter and applause from the audience]

I mean no disrespect but there should have been a lot of pre-planning, pre-meetings with these guys that know stuff. The developers, the builders... some of that should have gone on before you've done what you've done.

Barbara Thomas

There has been a lot of pre-planning and pre-study into this.

Bob Gardner

And it looks like a lot of wasted man hours and wasted hundreds and thousands of dollars to me, as a resident. And I don't know a lot about this thing that they're proposing. Like I said, I'm here for something else. It just doesn't make sense.

[applause from the audience]

Barbara Thomas

Thank you Mr. Gardner. Is there someone that's not been able to speak that would like to? We did it. Ok, thank you. We'll go ahead and close the first item on our agenda. Many of the things which have been addressed in the discussion has been relating to the zone change application. Is there a sense that we would go ahead and hear the presentation on that and if there was any additional information and then we'd vote on the two of them? Or would you like to go ahead and vote on this first one? What does that nod yes mean?

Terri Mills

I would think that it would be in order to vote on the first one before going ahead and hearing the second.

Barbara Thomas

Okay, is that how the rest of you feel? Ok. Are there any questions then of staff or anyone with regards to this zone text amendment?

Jack Matheson

Just a comment. If the Council really wants an amendment such as this, they really need a lot more public input. They need a lot more consideration. With me just looking at it as it comes to us, there's no way that I could support this in any way. And I would like to make a motion for denial.

Barbara Thomas

Is there a second for discussion purposes? The second comes from up here. [laughter in the audience]

Latai Tupou

I would second that.

Barbara Thomas

With regards to discussion for the motion... is there a recommendation as to how they would go about doing this? Are you thinking perhaps it would take a segment of the City at a time and involve those in that particular area in a discussion?

Jack Matheson

I think the Council needs to talk more with the public, not the Planning Commission. I have a lot of ideas on this. There is certain zones in the City that I want to get rid of. This gets rid of all the zones that are useful. Changing the people that own agricultural property to something else right now... that's foolish. Let the people that have agricultural property continue to have their animals. I don't want to bring animals into the City. Don't get me wrong, I was raised on a dairy farm but I don't want cows behind me. I really don't.

Barbara Thomas

I have a question with regards to that... because there is a motion on the floor can I still go ahead and ask that of you Steve? If this zone text amendment were to go through, there are a lot of zones that would be eliminated. If someone that owned a piece of property that presently was agricultural, this doesn't change that until they decide to change it themselves?

Steve Pastorik

Right. In terms of the agricultural use there are some that are currently zoned A which has a minimum lot size of a half acre where there is a proposal to go to the A-2 zone which would be 2 acre. In both scenarios agriculture use is still allowed so that's not changing.

Barbara Thomas

So it stays the same as it is until they decide, if they have that, they want to change the building of their home then it would go to the different zoning amendment requirement.

Brent Fuller

I think what Jack's trying to say is if there's a large track of land that's presenting R-8 or R-10 or something like that, that would be changed to an A. Then they would allow those people to have the animals. So it wouldn't be changing anybody that's already an A, it'd be changing residential lots into an A.

Barbara Thomas

Are there residential lots that are being changed to agriculture?

Steve Pastorik

There are properties that have R-1-8 and R-1-10 zoning that are proposed for agriculture.

Barbara Thomas

Are there other questions or discussion?

Harold Woodruff

Well... some discussion. Jack jumped the gun on his motion. I don't really have a problem with adding a new zone or two. The A and the RE. Specific sites may be just great for those. I really struggle with saying nothing else can be rezoned to all these other zones. We've seen so many

unforeseen consequences of ordinances we've made. To me that is just built in to create so many problems. To me that is something in this ordinance that really needs to be looked at and thought about.

Jack Matheson

I agree with you. I'd really like to talk this ordinance over. Just one study session on this is not nearly enough to be able to say it's good.

Terri Mills

I'd just like to say that I do have a problem with a blanket zoning text change. I have concern about the lack of flexibility and the great impacts that will result of it. I don't necessarily... I'm not right now in favor of a denial but more of a continuance. Those are my current feelings.

Barbara Thomas

Commissioner Fuller do you have any thoughts?

Brent Fuller

I'm more in line with having a continuance myself. I'm not in favor of this as it stands but I think there's some tweaking that could be done and some consideration for areas. Not just a blanket coverage of the whole thing. I think most of us here would like to say no R-1-4's or R-1-6's or any apartment residence and then their all in that listing. I'd sure like to get rid of those. But some of the other ones I think are valid and should be considered.

Jack Matheson

However we need to make sure the way it's written, it's denied, as it's written. We can re-write this thing.

Barbara Thomas

Commissioner Tupou or Commissioner Meaders? Any comments?

Clover Meaders

I understand what the City Council wants to do which I think hasn't been presented in the way I took it. I think they want to ensure that the citizens of West Valley have a variety of housing options and I don't know if we really do. The fact is, we don't have a market study or anything that suggests that there is a demand for this kind of housing. I know personally I've been looking at it and would be interested in having more options but we don't really have any data in front of us. I can't say that we have this public need that the City Council seems to think we have because clearly we don't see it here. Unless we see that, I don't know if this is something that we really need or just something that City Council felt that we need. I would be interested in a continuance to gather more information.

Latai Tupou

I would be... I'm actually supportive of Jack's denial as it's written currently. I don't think that the blanket coverage is actually the best way to make our City better. There's gotta be another way to make it work. I do support the City Council's vision of what they want to do but not this way. I think historically what the staff has done and what City Council has put in place, I think we've all benefit as far as our property values. We've all benefitted from those decisions historically. There's just gotta be a better way to implement what they want to make West Valley into.

Barbara Thomas

Thank you. Alright ladies and gentleman. I think we're ready for a motion. The motion is for... we're ready to vote on the motion. The motion is for denial of the zone text amendment as it is presently written. Let's go with a voice vote.

Nichole Camac

Commissioner Fuller	No
Commissioner Matheson	Yes
Commissioner Meaders	No
Commissioner Mills	No
Commissioner Tupou	Yes
Commissioner Woodruff	No
Chairman Thomas	Yes

The motion fails. Or actually... it passes. Oh actually no, that did fail. I'm sorry about that. We'll have to have another motion.

Barbara Thomas

Ok the motion fails for denial. We'll have to have another motion. Commissioner Fuller?

Brent Fuller

I just move for continuance to be able to study the things that were presented here today and try to make a better plan from what we study. I couldn't say how long that might take. May take a long time to get all the information. I'd be interesting in getting some of the contractors, the developers, and the land owners as well as the realtor section to be able to give us more data as to what we're looking at to make a better decision.

Clover Meaders

I second.

Barbara Thomas

Discussion to this motion?

Harold Woodruff

I don't know if it ought to go on indefinitely.

Brent Fuller

No I didn't... I just didn't know what date... how much time. I don't think it's going to be next study... ready for the next go around but maybe a month. Can I put that in the... give it a month's time?

Harold Woodruff

I think we would still be better served to have a few weeks to think about this and come back in another couple of weeks and make a decision only. And then if we want to make some recommendations to go with our decision, we can. But at least it would get moved on to the next step in the process.

Barbara Thomas

More discussion? Ok our motion is for a continuance of about a month, depending on the days when the Wednesdays...

Nichole Camac

That would put us at the June 10...that would be the next closest one.

Barbara Thomas

Okay let's go with a voice vote on a continuance to June 10.

Nichole Camac

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Tupou	Yes
Commissioner Woodruff	Yes
Chairman Thomas	No

The motion for continuance to June 10th is approved.

Barbara Thomas

Ladies and gentleman make sure that you've signed on that back list for notification purposes.

Brandon Hill

One moment Madam chair if I might.

Barbara Thomas

This voice that you're hearing from the back in our attorney.

Brandon Hill

For the record, Brandon Hill, council for the Planning Commission. What I would recommend we do have the second application pending and it's my educated guess that the Commission would make the same motion as to that application as well. However there are many people who have come here to speak and the public hearing on the first application that was just continued was closed. I might suggest that anyone here who hasn't spoken who would like to offer their input on that application be given that opportunity to night so that we have the public hearing, we close the hearing, move for the continuance so that you can have that information available as you move forward with the final decision in June.

Barbara Thomas

We're just dealing with the zone text amendment. We still need to go to the next item.

Brandon Hill

That's right.

Barbara Thomas

Appreciate the advice.

Steve Pastorik

And if I can clarify also on the noticing. There was notice sent out for this hearing but because we're continuing to a specific date there's not a second notice that goes. Because again we've set a certain date here so everyone here knows that date.

Barbara Thomas

Ok, be noticed. OK we're moving on the next.. oh excuse me... what was your question sir?

Member from audience

On June the 10th will we get to speak?

Barbara Thomas

Yes. Prefer that you come up with new information because we will remember but you will be

able to speak to that.

Item: _____
Fiscal Impact: _____ N/A
Funding Source: _____ N/A
Account #: _____ N/A

Budget Opening Required: ☐

ISSUE:

Application: #GPZ-1-2015
Applicant: West Valley City
Location: Various locations throughout the City
Size: 741 acres

SYNOPSIS:

A General Plan change from various land use designations to large lot residential or non-retail commercial and zone changes from various zones to A or A-2.

BACKGROUND:

At the direction of the City Council, staff has submitted a General Plan/zone change application for 741 acres in various locations throughout the City. The proposed General Plan changes are from low density residential (3 to 4 units/acre), residential office, mixed use, heavy manufacturing, light manufacturing and commercial light manufacturing to either large lot residential (2 to 3 units/acre) or, in one situation, non-retail commercial. The proposed zone changes are from A, A-1, M, R-1-6, R-1-8, R-1-10 and R-4-8.5 to either A or A-2. Included with this issue paper are a map highlighting the proposed zone changes and a list that identifies all of the properties affected by the proposed General Plan changes and zone changes. Also included are letters from residents as well as housing information shared with the Planning Commission in support of this application.

When compiling the list of properties to include in the application, staff used the following criteria:

- The property is vacant or only partially developed.
- The property individually is at least 2 acres or the property, together with other adjoining property, is at least 2 acres.
- Residential development is anticipated on the property.

Properties that have already been entitled for residential development are excluded.

After holding two public hearings, the Planning Commission recommended denial of the application. The Planning Commission also recommended that staff initiate several General Plan/zone change applications to consider the same properties in smaller increments instead of all of them at once.

RECOMMENDATION:

The Planning Commission recommends denial.

SUBMITTED BY:

Steve Pastorik, Assistant CED Director/Planning Director

WEST VALLEY CITY, UTAH

ORDINANCE NO. _____

Draft Date: _____
Date Adopted: _____
Effective Date: _____

**AN ORDINANCE AMENDING THE GENERAL PLAN TO SHOW A
CHANGE OF LAND USE FROM VARIOUS LAND USE
DESIGNATIONS TO LARGE LOT RESIDENTIAL OR NON-RETAIL
COMMERCIAL FOR PROPERTY LOCATED AT VARIOUS
LOCATIONS.**

WHEREAS, the West Valley City Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed General Plan amendment pursuant to Chapter 9 of Title 10, Utah Code Annotated 1953, as amended, and the West Valley City Zoning Ordinance; and

WHEREAS, a public hearing before the City Council of West Valley City was held after being duly advertised as required by law; and

WHEREAS, the City Council of West Valley City finds that such General Plan amendment should be made;

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah that the General Plan be amended as follows:

SECTION 1. GENERAL PLAN AMENDMENT.

The properties described in Application #GPZ-1-2015, filed by West Valley City and located at various locations within West Valley City, are hereby amended by reclassifying the following described properties:

Medium Density Residential to Large Lot Residential

Parcel #'s: 1423400038

Mixed Use to Large Lot Residential

Parcel #'s: 1424451004, 1424400008, 1424451002, 1424451003, 1424476003, 1425226026, 1531204014, 1531204042

Low Density Residential to Large Lot Residential

Parcel #'s: 1427476002, 1427476013, 1427476027, 1434201023, 1434201024, 1434201026, 1434251008, 1434251009, 1434276064, 1434354008, 1434354009, 1435326035, 1435403026, 1435427013, 1436328032, 1436451071, 2001203017, 2106401004, 2022127001, 1426201005, 1434430011, 1434430014, 1436126003 (the portion of the property that is low density residential), 1436126004 (the portion of the property that is low density residential), 1436377012, 1436377023, 1529276009 (the portion of the property that is low density residential), 1529276030, 1530451011, 1530451013, 1530451029 (the portion of the property that is low density residential), 1530451030 (the portion of the property that is low density residential), 1530451035 (the portion of the property that is low density residential), 1530451037 (the portion of the property that is low density residential), 1532278034, 1532278035, 1532278037, 1532278038, 1532278039, 1532278050, 1532278053, 1532427006, 1532427007, 1532427008, 1532427009, 1532427014, 1532427015, 1532427022, 2106104005 (the portion of the property that is low density residential), 2106104027, 2106104028, 2106104039, 1434430010, 1435151044, 1435279058, 1435301028, 1436102017, 1529276015 (the portion of the property that is low density residential), 1529276020 (the portion of the property that is low density residential), 1532201066, 1532427013, 2106104018

Residential Office to Large Lot Residential

Parcel #'s: 1435279037, 1435279042, 1435428014, 1435279061, 1435279057, 1436151012, 1436151013

Heavy Manufacturing to Large Lot Residential

20104000094002 (the portion of the property that is heavy manufacturing)

Light Manufacturing to Large Lot Residential

2015351002, 2016400023

Commercial Light Manufacturing to Large Lot Residential

2022176001, 20221260024001, 20222000104001

Residential Office to Non-Retail Commercial

2104329015

SECTION 2. GENERAL PLAN MAP AMENDMENT.

The West Valley City General Plan Map shall be amended to show the change.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect immediately upon posting, as required by law.

DATED this ____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER

WEST VALLEY CITY, UTAH

ORDINANCE NO. _____

Draft Date: _____
Date Adopted: _____
Effective Date: _____

**AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A
CHANGE OF ZONE FOR PROPERTY LOCATED AT VARIOUS
LOCATIONS FROM VARIOUS ZONES TO ZONE 'A' OR 'A-2'.**

WHEREAS, the West Valley City Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed zoning change pursuant to Chapter 9 of Title 10, Utah Code Annotated 1953, as amended, and the West Valley City Zoning Ordinance; and

WHEREAS, a public hearing before the City Council of West Valley City was held after being duly advertised as required by law; and

WHEREAS, the City Council of West Valley City finds that such zoning change should be made;

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City,
Utah:

SECTION 1. ZONING CHANGE.

The properties described in Application #GPZ-1-2015, filed by West Valley City and located at various locations within West Valley City, are hereby reclassified, said properties being more particularly described as follows:

A to A-2

1422351004, 1423400038, 1426127029, 1427101001, 1427476002, 1427476013,
1427476027, 1434201004, 1434201023, 1434201024, 1434201026, 1434251008,
1434251009, 1434276045, 1434276049, 1434276062, 1434276064, 1434354008,
1434354009, 1435279037, 1435279042, 1435326035, 1435403026, 1435427013,
1435428014, 1436151015, 1436152004, 1436328032, 1436451071, 1522457005,
1522457008, 1522476016, 1522476018, 1522476020, 2001203017, 20104000094002 (the
portion of the property that is zoned A), 2015351002, 2016400023, 2104329015,
2106401004

A-1 to A-2

1423300011, 1423300012, 1423300013, 1423300017, 1423400044, 1426101007,
1426127027, 1427100007, 1427100008, 1427100009, 1427100014, 1427100015,
1427100016, 1427100020, 1427100025, 1427100028, 1427100029, 1427100030,
1427100031, 1427100032, 1427100033, 1427100035, 1427100036, 1427100037,
1427100041, 1427200017, 1427200018, 1427200030, 1427226001, 1427226002,
1427226005, 1427226007, 2022127001

M to A:

1424451004

M to A-2:

1424400008, 1424451002, 1424451003, 1424476003

R-1-10 to A-2

1426201005, 1435279061, 2022176001, 20221260024001, 20222000104001

R-1-6 to A

1434430011, 1434430014

R-1-8 to A

1435279057, 1436126003 (the portion of the property that is zoned R-1-8), 1436126004
(the portion of the property that is zoned R-1-8), 1436151012, 1436377012, 1436377023,
1529276009 (the portion of the property that is zoned R-1-8), 1529276030, 1530451011,
1530451013, 1530451029 (the portion of the property that is zoned R-1-8), 1530451030
(the portion of the property that is zoned R-1-8), 1530451035 (the portion of the
property that is zoned R-1-8), 1530451037 (the portion of the property that is zoned R-
1-8), 1532278034, 1532278035, 1532278037, 1532278038, 1532278039, 1532278050,
1532278053, 1532427006, 1532427007, 1532427008, 1532427009, 1532427014,
1532427015, 1532427022, 2106104005 (the portion of the property that is zoned R-1-8),
2106104027, 2106104028, 2106104039

R-1-8 to A-2

1425226026, 1434430010, 1435151044, 1435279058, 1435301028, 1436102017,
1436151013, 1529276015 (the portion of the property that is zoned R-1-8), 1529276020
(the portion of the property that is zoned R-1-8), 1532201066, 1532427013, 2106104018

R-4-8.5 to A

1531204014, 1531204042

SECTION 2. ZONING MAP AMENDMENT.

The West Valley City Zoning Map shall be amended to show the change.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect immediately upon posting, as required by law.

DATED this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER

Parcel #	Acres	Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Property Address	Current Zone	Proposed Zone	Current General Plan	Proposed General Plan
1422351004	2.08	CONNIE & DARRELL DAVIS	2557 S 7200 W	MAGNA	UT	84044-1462	2557 S 7200 W	A	A-2	Large Lot Residential	Large Lot Residential
1423300011	2.36	MARTIN, ALICE	4646 W 5215 S	KEARNS	UT	84118-5736	6002 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1423300012	11.71	DRP MANAGEMENT, INC	2885 S MAIN ST	SALT LAKE CITY	UT	84115-3545	6301 W 2575 S	A-1	A-2	Rural Residential	Rural Residential
1423300013	4.91	DRP MANAGEMENT, INC	2885 S MAIN ST	SALT LAKE CITY	UT	84115-3545	6301 W 2609 S	A-1	A-2	Rural Residential	Rural Residential
1423300017	21.19	DRP MANAGEMENT, INC ET AL	2885 S MAIN ST	SALT LAKE CITY	UT	84115	6290 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1423400038	2.92	HARRIS, CURTIS	5764 W PARKWAY BLVD	WEST VALLEY	UT	84128-1139	5764 W PARKWAY BLVD	A	A-2	Medium Density Residential	Large Lot Residential
1423400044	44.43	ICO MULTIFAMILY HOLDINGS, LLC	978 E WOODOAK LN	MURRAY	UT	84117-7265	5886 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1424400008	5.60	SUBURBAN LAND RESERVE, INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	5139 W ENGLAND CT	M	A-2	Mixed Use	Large Lot Residential
1424451002	16.14	SUBURBAN LAND RESERVE, INC.	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2819 S 5600 W	M	A-2	Mixed Use	Large Lot Residential
1424451003	3.38	SUBURBAN LAND RESERVE, INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2549 S 5600 W	M	A-2	Mixed Use	Large Lot Residential
1424451004	1.08	SUBURBAN LAND RESERVE, INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2549 S 5600 W	M	A	Mixed Use	Large Lot Residential
1424476003	13.67	SUBURBAN LAND RESERVE INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2722 S CORPORATE PARK DR	M	A-2	Mixed Use	Large Lot Residential
1425226026	14.02	SUBURBAN LAND RESERVE, INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2856 S CORPORATE PARK DR	R-1-8	A-2	Mixed Use	Large Lot Residential
1426101007	11.31	DRP MANAGEMENT & RINDLESBACH, KEN W	2885 S MAIN ST	SOUTH SALT LAKE	UT	84115	6290 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1426127027	6.21	TONY & KAREN JACKETTA	2794 S 6100 W	WEST VALLEY	UT	84128-1192	6087 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1426127029	7.65	HARDCASTLE, ROSALIE J	10551 S HIGHLINE CIR	SOUTH JORDAN	UT	84095-8679	6087 W PARKWAY BLVD	A	A-2	Rural Residential	Rural Residential
1426201005	29.14	UTAH DEPARTMENT OF TRANSPORTATION	PO BOX 148420	SALT LAKE CITY	UT	84114-8420	5901 W PARKWAY BLVD	R-1-10	A-2	Low Density Residential	Large Lot Residential
1427100007	4.85	MANSFIELD, THOMAS M	2753 S 7200 W	MAGNA	UT	84044-1427	7148 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100008	2.12	JAY R & NORMA L NICHOLS	7140 W 2820 S	WEST VALLEY	UT	84128	7140 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100009	2.10	JENSEN, STEVE R	7128 W 2820 S	WEST VALLEY	UT	84128	7128 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100014	2.47	MINGSISOUPHANH, DOUANGPHANETH	6994 W PARKWAY BLVD	WEST VALLEY	UT	84128-1163	6994 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100015	2.26	GROW, CHRISTINE C	5018 W CHERRY VIEW DR	WEST VALLEY	UT	84120-5706	6980 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100016	2.29	MILLER, MICHAEL G	1202 S 300 W	SALT LAKE CITY	UT	84101-3047	6960 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100020	2.92	LLOYD K & SANDRA H MULLINS	6870 W 2820 S	WEST VALLEY	UT	84128	6870 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100025	2.99	DAVID & CINDY MCCLEVE	3183 S GEORGE PL	MAGNA	UT	84044-2162	7026 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100028	2.15	WILKIN, PAUL G	6810 W 2820 S	WEST VALLEY	UT	84128	6844 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100029	2.13	WILKIN, PAUL	6810 W 2820 S # ST	WEST VALLEY	UT	84128	6824 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100030	2.09	HOUSTON, WESLEY L	7088 W PARKWAY BLVD	WEST VALLEY	UT	84128-1165	7088 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100031	2.07	JOHN R & NANCY LINDSLEY	7060 W 2820 S	WEST VALLEY	UT	84128	7060 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100032	2.02	VERL L & ROBERT W MEADS	7042 W PARKWAY BLVD	WEST VALLEY	UT	84128-1165	7042 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100033	2.03	MICHAEL A & KAREN J STARKS	6924 W PARKWAY BLVD	WEST VALLEY	UT	84128-1163	6924 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100035	2.10	LARRY K & JOAN S NEWMAN	6940 W 2820 S	WEST VALLEY	UT	84128	6940 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100036	2.03	ALLEN R & NANCY M LLOYD	6910 W PARKWAY BLVD	WEST VALLEY	UT	84128-1163	6910 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100037	3.11	SMITH, BLAINE D	6888 W PARKWAY BLVD	WEST VALLEY	UT	84128-1161	6888 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100041	2.21	WAT LAO SALT LAKE BUDDHARAM INC	7010 W PARKWAY BLVD	WEST VALLEY	UT	84128-1165	7010 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427101001	6.83	CORP OF PB OF CH JC OF LDS	50 E NORTHTEMPLE # FL-22	SALT LAKE CITY	UT	84150	6977 W PARKWAY BLVD	A	A-2	Large Lot Residential	Large Lot Residential
1427200017	5.03	TERRY L & DIANNE WEST	6686 W HUNTER CREST CIR	WEST VALLEY	UT	84128-1228	6645 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427200018	4.20	TERRY L & DIANNE WEST	6686 W HUNTER CREST CIR	WEST VALLEY	UT	84128-1228	6609 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427200030	2.45	ELAYNE S & JAY D WILLIAMS	6776 W PARKWAY BLVD	WEST VALLEY	UT	84128-1159	6776 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427226001	2.77	NATHAN & CARRIE JENSEN	6594 W PARKWAY BLVD	WEST VALLEY	UT	84128-1155	6594 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427226002	2.05	THOMAS C & KAREN J COON	6520 W PARKWAY BLVD	WEST VALLEY	UT	84128-1155	6520 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427226005	3.77	KETCHUM, JOHN C	6426 W PARKWAY BLVD	WEST VALLEY	UT	84128	6490 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427226007	4.73	KETCHUM, JOHN C	6426 W PARKWAY BLVD	WEST VALLEY	UT	84128	6426 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427476002	5.63	APOSHIAN, LAWRENCE B	6570 W 3500 S	WEST VALLEY	UT	84128-2410	6570 W 3500 S	A	A-2	Low Density Residential	Large Lot Residential
1427476013	4.62	CURTIS D & LORRAINE HAVILAND	3348 S 6400 W	WEST VALLEY	UT	84128-1333	3348 S 6400 W	A	A-2	Low Density Residential	Large Lot Residential

Parcel #	Acres	Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Property Address	Current Zone	Proposed Zone	Current General Plan	Proposed General Plan
1427476027	5.80	L THAD & JUDITH M BANGERTER	3306 S 6400 W	WEST VALLEY	UT	84128-1333	3318 S 6536 W	A	A-2	Low Density Residential	Large Lot Residential
1434201004	2.79	JUDY F & J THOMAS PEARCE	3525 S 6800 W	WEST VALLEY	UT	84128-2341	3539 S 6800 W	A	A-2	Large Lot Residential	Large Lot Residential
1434201023	2.52	J THOMAS & JUDY PEARCE	3525 S 6800 W	WEST VALLEY	UT	84128-2341	3525 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434201024	2.85	JUDY F & J THOMAS PEARCE	3525 S 6800 W	WEST VALLEY	UT	84128-2341	3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434201026	7.23	FEULNER, VERLYNN	PO BOX 701497	WEST VALLEY	UT	84170-1497	3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434251008	2.90	FEULNER, SCOTT	3621 S 6800 W	WEST VALLEY	UT	84128-3419	3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434251009	3.26	FEULNER, SCOTT	3621 S 6800 W	WEST VALLEY	UT	84128-3419	3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434276045	5.27	MILDRED L & RMLDFLT) DEFA	905 S MILITARY DR	SALT LAKE CITY	UT	84108-1325	3764 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential
1434276049	6.28	SDF PROPERTIES, LLC	2201 W 700 S	LEHI	UT	84043	3754 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential
1434276062	6.37	NEWTON INVESTMENTS, LLC	PO BOX 587	SALT LAKE CITY	UT	84020	3702 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential
1434276064	11.08	SDF PROPERTIES, LLC	3665 S 6580 W	WEST VALLEY	UT	84128-2461	3668 S 6580 W	A	A-2	Low Density Residential	Large Lot Residential
1434354008	3.01	STEWART, DONALD J	4053 S 7200 W	WEST VALLEY	UT	84044-2633	4053 S 7200 W	A	A-2	Low Density Residential	Large Lot Residential
1434354009	2.18	CITY OF WEST VALLEY	3600 S CONSTITUTION BLVD	WEST VALLEY	UT	84119-3700	4063 S 7200 W	A	A-2	Low Density Residential	Large Lot Residential
1434430010	2.03	JAMES D & MARIE F WHITMORE	3940 S 6400 W	WEST VALLEY	UT	84128-7004	3940 S 6400 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1434430011	1.44	JOHN W & LINDA L MADDOCKS	3950 S 6400 W	WEST VALLEY	UT	84128-7004	3950 S 6400 W	R-1-6	A	Low Density Residential	Large Lot Residential
1434430014	0.85	WAYMAN, ROBERT L	5914 W ZINA CIR	WEST VALLEY	UT	84128-2669	3984 S 6400 W	R-1-6	A	Low Density Residential	Large Lot Residential
1435151044	2.62	SHORES, SANDRA K	3701 S 6400 W	WEST VALLEY	UT	84128-3537	3701 S 6400 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1435279037	2.94	IVORY DEVELOPMENT, LLC	978 E WOODOAK LN	MURRAY	UT	84117-7265	3722 S 5600 W	A	A-2	Residential Office	Large Lot Residential
1435279042	3.49	IVORY DEVELOPMENT, LLC	978 E WOODOAK LN	MURRAY	UT	84117-7265	3784 S 5600 W	A	A-2	Residential Office	Large Lot Residential
1435279057	0.90	EVAN T & MARLENE L DOXEY	3690 S 5600 W	WEST VALLEY	UT	84120-2736	3672 S 5600 W	R-1-8	A	Residential Office	Large Lot Residential
1435279058	4.50	EVANS T & MARLENE DOXEY	3690 S 5600 W	WEST VALLEY	UT	84120-2736	3672 S 5600 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1435279061	3.35	UTAH DEPARTMENT OF TRANSPORTATION	PO BOX 148420	SALT LAKE CITY	UT	84114-8420	3732 S 5600 W	R-1-10	A-2	Residential Office	Large Lot Residential
1435301028	2.37	BILLIE N & SHIRLEY E BURKE	3801 S 6400 W	WEST VALLEY	UT	84128-7002	3801 S 6400 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1435326035	3.11	W EUGENE & PATRICIA A WILKINS	3206 E BONVIEW DR	SALT LAKE CITY	UT	84109-3704	3876 S 6000 W	A	A-2	Low Density Residential	Large Lot Residential
1435403026	2.46	ROBINSON, RANDY E, ET AL	10301 S 2840 W	SOUTH JORDAN	UT	84095-3101	3971 S 6000 W	A	A-2	Low Density Residential	Large Lot Residential
1435427013	7.32	UTAH DEPARTMENT OF TRANSPORTATION	PO BOX 148420	SALT LAKE CITY	UT	84114-8420	5734 W 3980 S	A	A-2	Low Density Residential	Large Lot Residential
1435428014	14.56	GIOVENGO PROPERTIES, LLC	2804 E 1190 S	ST GEORGE	UT	84790	3846 S 5600 W	A	A-2	Residential Office	Large Lot Residential
1436102017	3.00	E VERN & MABLE R BREEZE	3555 S 5450 W	WEST VALLEY	UT	84120-2725	3555 S 5450 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1436126003	1.91	CAROLYN & ALLAN B JONES	2608 S LINCOLN ST	SALT LAKE CITY	UT	84106-2216	5385 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1436126004	1.31	KAREN W & CLARE A HALLADAY	5371 W 3500 S	WEST VALLEY	UT	84120-2703	5371 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1436151012	1.38	HARPER, MICHAEL C	3775 S 5600 W	WEST VALLEY	UT	84120-2737	3775 S 5600 W	R-1-8	A	Residential Office	Large Lot Residential
1436151013	2.31	PECK, MARIA I	3795 S 5600 W	WEST VALLEY	UT	84120-2737	3795 S 5600 W	R-1-8	A-2	Residential Office	Large Lot Residential
1436151015	3.64	EVANS, GUILA A	3716 S 5450 W	WEST VALLEY	UT	84120-2730	3702 S 5450 W	A	A-2	Rural Residential	Rural Residential
1436152004	3.24	FRED R & ELIZABETH E FONGER	3791 S 5450 W	WEST VALLEY	UT	84120-2729	3755 S 5450 W	A	A-2	Rural Residential	Rural Residential
1436328032	8.78	BROCK, DOUGLAS G	3940 S 5200 W	WEST VALLEY	UT	84120-4436	3940 S 5200 W	A	A-2	Low Density Residential	Large Lot Residential
1436377012	1.05	BROCK, DOUGLAS G	3940 S 5200 W	WEST VALLEY	UT	84120-4436	3940 S 5200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1436377023	0.78	REDD, STEWART	5278 W 3990 S	WEST VALLEY	UT	84120-4430	5278 W 3990 S	R-1-8	A	Low Density Residential	Large Lot Residential
1436451071	2.54	CORP OF PB OF CH JC OF LDS	50 E NORTHTEMPLE ST #2225	SALT LAKE CITY	UT	84150-0022	5065 W JANETTE AVE	A	A-2	Low Density Residential	Large Lot Residential
1522457005	5.82	TONGAN UNITED METHODIST CHURCH OF SALT LAKE	PO BOX 271026	SALT LAKE CITY	UT	84127-1026	1485 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522457008	7.33	CITADEL COMMUNICATIONS CORP	434 W BEARCAT DR	SOUTH SALT LAKE	UT	84115-2520	1493 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522476016	3.89	LATTER DAY CHURCH OF CHRIST	20 W CENTURY PARK WY	SOUTH SALT LAKE	UT	84115-3508	1415 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522476018	3.88	LATTER DAY CHURCH OF CHRIST	20 W CENTURY PARK WY	SOUTH SALT LAKE	UT	84115-3508	1401 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522476020	8.60	LATTER DAY CHURCH OF CHRIST	53 W ANGELO AVE	SOUTH SALT LAKE	UT	84115-3719	1363 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1529276009	0.65	DUTSON, SPENCER	3336 W 3100 S	WEST VALLEY	UT	84119-1720	3320 W 3100 S	R-1-8	A	Low Density Residential	Large Lot Residential
1529276015	2.10	BRUNDLE, DAVID W	3264 W 3100 S	WEST VALLEY	UT	84119-1718	3264 W 3100 S	R-1-8	A-2	Low Density Residential	Large Lot Residential

Parcel #	Acres	Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Property Address	Current Zone	Proposed Zone	Current General Plan	Proposed General Plan
1529276020	2.12	DUTSON, SPENCER E	3336 W 3100 S	WEST VALLEY	UT	84119-1720	3336 W 3100 S	R-1-8	A-2	Low Density Residential	Large Lot Residential
1529276030	1.83	NELDON R & JOYCE SOMMERS	3278 W 3100 S	WEST VALLEY	UT	84119-1718	3278 W 3100 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451011	0.94	R TODD & VICKI L INMANN	5242 W CHESTER RD	WEST VALLEY	UT	84120-7909	3455 S 4400 W	R-1-8	A	Low Density Residential	Large Lot Residential
1530451013	0.96	YU RENTAL PROPERTIES III, LLC,	14846 S MANILLA DR	DRAPER	UT	84020-5186	3451 S 4400 W	R-1-8	A	Low Density Residential	Large Lot Residential
1530451029	0.59	KUN CHA & HYOK HWAN O	8686 S 2200 W	WEST JORDAN	UT	84088-9344	4358 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451030	0.54	AGUILAR, ZEANN	3692 S SUNNYVALE DR	WEST VALLEY	UT	84120-3125	4344 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451035	0.53	NGUYEN, AHN	3723 W SPRING WATER DR	WEST VALLEY	UT	84120-3365	4340 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451037	0.59	YU RENTAL PROPERTIES III, LLC	14846 S MANILLA DR	DRAPER	UT	84020-5186	4368 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1531204014	0.84	KIM E & SHARLENE O HENDERSON	4209 W 3550 S	WEST VALLEY	UT	84120-3207	4207 W 3550 S	R-4-8.5	A	Mixed Use	Large Lot Residential
1531204042	1.73	KIM E & SHARLENE O HENDERSON	4209 W 3550 S	WEST VALLEY	UT	84120-3207	4209 W 3550 S	R-4-8.5	A	Mixed Use	Large Lot Residential
1532201066	2.78	ENGEL, DANNY LEE	3610 S 3440 W	WEST VALLEY	UT	84119-2574	3470 W 3650 S	R-1-8	A-2	Low Density Residential	Large Lot Residential
1532278034	1.15	NEWMAN, ALFRED J	3724 S 3200 W	WEST VALLEY	UT	84119-3536	3724 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278035	1.14	HAN, EUGENE	115 W 9000 S	SANDY	UT	84070-2004	3732 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278037	0.61	IVORY DEVELOPMENT, LLC	978 E WOODOAK LN	MURRAY	UT	84117-7265	3750 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278038	0.66	BARNEY, MARGARET	976 E KENSINGTON AVE	SALT LAKE CITY	UT	84105-2314	3760 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278039	0.58	QUIJANO, UBALDO O	3764 S 3200 W	WEST VALLEY	UT	84119-3536	3764 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278050	0.99	HAN, EUGENE	115 W 9000 S	SANDY	UT	84070-2004	3736 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532278053	1.02	JUSTIN & JAMIE AAGARD	3282 W 3800 S	WEST VALLEY	UT	84119-4429	3282 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427006	0.85	DANIEL L & JANNIFER D MCLAUGHLAN	1134 CAMAS ST	BLACKFOOT	ID	83221	3309 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427007	0.87	TOD L & S. S. JT BUCKNER	3287 W 3800 S	WEST VALLEY	UT	84119-4428	3287 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427008	0.88	CLAUSON, VERNON G	1818 PRIMROSE DR	NAMPA	ID	83686-8588	3271 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427009	0.66	CARLOS I AMAYA & MARIA C JOYA	3255 W 3800 S	WEST VALLEY	UT	84119-4428	3255 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427013	2.15	DALLAS & HEIDI ROBERTS JT	3876 S 3200 W	SALT LAKE CITY	UT	84116-3325	3876 S 3200 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1532427014	0.69	BRADFORD, BRYAN C	3816 S 3200 W	WEST VALLEY	UT	84119-4433	3816 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532427015	0.78	MARTINEZ, ROSA R	3826 S 3200 W	WEST VALLEY	UT	84119-4433	3826 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532427022	1.10	STEVEN G & MARIA L WILLIAMSON	2476 W 7420 S	WEST JORDAN	UT	84084-3135	3237 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
2001203017	2.45	RUSHTON, LEWIS J III	5077 W 4100 S	WEST VALLEY	UT	84120-4750	5057 W 4100 S	A	A-2	Low Density Residential	Large Lot Residential
20104000094002	31.14	ALLIANT TECHSYSTEMS INC	7480 FLYING CLOUD DR	MINNEAPOLIS	MN	55344-3720	4798 S 6400 W	A	A-2	Heavy Manufacturing	Large Lot Residential
2015351002	11.75	ALLIANT TECHSYSTEMS INC	7480 FLYING CLOUD DR	EDEN PRAIRIE	MN	55344-3720	6152 S U-111 HWY	A	A-2	Light Manufacturing	Large Lot Residential
2016400023	43.46	ALLIANT TECHSYSTEMS, INC	7480 FLYING CLOUD DR	EDEN PRAIRIE	MN	55344	6002 S UONE ELEVEN HWY	A	A-2	Light Manufacturing	Large Lot Residential
20221260024001	61.66	DESERET TITLE HOLDING CORP	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	7011 W 6200 S	R-1-10	A-2	Commercial Light Manufacturing	Large Lot Residential
2022127001	2.97	ALPHA COMMUNICATIONS SITES INC	1202 S 300 W	SALT LAKE CITY	UT	84101-3047	6394 S UONE ELEVEN HWY	A-1	A-2	Low Density Residential	Large Lot Residential
2022176001	5.85	ALMA E & ETHEL B RUSHTON FAMILY PARTNERSHIP	5491 W 4100 S	WEST VALLEY	UT	84120-4627	6420 S U-111 HWY	R-1-10	A-2	Commercial Light Manufacturing	Large Lot Residential
20222000104001	66.38	DESERET TITLE HOLDING CORP	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	6511 W 6200 S	R-1-10	A-2	Commercial Light Manufacturing	Large Lot Residential
2104329015	15.64	DON R PARKER PROPERTIES LLC	2885 S MAIN ST	SOUTH SALT LAKE	UT	84115-3545	4500 S CONSTITUTION BLVD	A	A-2	Residential Office	Non-Retail Commerical
2106104005	0.54	CONDIE PROPERTIES LC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4732 W 4175 S	R-1-8	A	Low Density Residential	Large Lot Residential
2106104018	3.38	CONDIE PROPERTIES LLC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4221 S 4800 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
2106104027	1.94	CONDIE, G PHILLIPS	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4625 W 4100 S	R-1-8	A	Low Density Residential	Large Lot Residential
2106104028	1.11	CONDIE PROPERTIES, LLC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4625 W 4100 S	R-1-8	A	Low Density Residential	Large Lot Residential
2106104039	0.92	CONDIE PROPERTIES, LC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4195 S 4800 W	R-1-8	A	Low Density Residential	Large Lot Residential
2106401004	5.02	ANITA E & ALAN F BROCK	4411 W 4415 S	WEST VALLEY	UT	84120-5012	4435 S 4400 W	A	A-2	Low Density Residential	Large Lot Residential

Minutes from the June 10, 2015 Planning Commission Public Hearing

The following minutes are verbatim

GPZ-1-2015

West Valley City

General Plan changes from various land use designations to large lot residential or non-retail commercial and zone changes from various zones to A or A-2

741 Acres

This application was continued by the Planning Commission during the May 13th public hearing to allow more time to evaluate the application.

At the direction of the City Council, staff has submitted a General Plan/zone change application for 741 acres in various locations throughout the City. The proposed General Plan changes are from low density residential (3 to 4 units/acre), residential office, mixed use, heavy manufacturing, light manufacturing and commercial light manufacturing to either large lot residential (2 to 3 units/acre) or, in one situation, non-retail commercial. The proposed zone changes are from A, A-1, M, R-1-6, R-1-8, R-1-10 and R-4-8.5 to either A or A-2. Included with this report is a map highlighting the proposed zone changes and a list that identifies all of the properties affected by the proposed General Plan changes and zone changes.

The City Council has long been concerned about the shrinking amount of available land for residential development and the lack of high end or executive type housing in the City. Included with this report is a map showing home values across Salt Lake County and a document entitled "Talking Points for Housing Standards." This map and document help illustrate the Council's concerns. To address these concerns, the Council passed a temporary land use regulation or moratorium of zone changes to any residential zone on October 7, 2014. This moratorium, which became effective on October 14, 2014 was in effect for six months.

During the moratorium staff had several discussions with the City Council to explore ways to address the lack of high end housing in the City. After considering different options, the Council directed staff to submit applications for them to consider the proposed ordinance revisions in application ZT-3-2015 and the rezones proposed in this application. For reference, there are a total of 22,930 total acres within the City and the 741 acres represents about 3% of the City. Of the 40,192 total housing units in the City, 27,180 are single family detached homes.

When compiling the list of properties to include in the application, staff used the following criteria:

- The property is vacant or only partially developed.
- The property individually is at least 2 acres or the property, together with other adjoining property, is at least 2 acres.
- Residential development is anticipated on the property.

Properties that have already been entitled for residential development are excluded.

For those properties that are currently designated as non-residential in the General Plan but are

now proposed as residential, an explanation for why the non-residential designation is being changed to residential is provided below:

- 6002 S and 6152 S SR 111 – While owned by ATK, these properties are located on the west side of SR-111. SR-111 is a wide right-of-way that separates the property for manufacturing zoning on the east side of SR-111. The property to the south has already received zoning and development agreement approval for single family residential.
- 4798 S 6400 W – This property is also owned by ATK and is located north of the Union Pacific railroad tracks. There are already several locations along the railroad tracks that have developed as residential.
- 6511 W and 7011 W 6200 S and 6420 S SR 111 – These properties are located south of 6200 S between SR-111 and the Mountain View Corridor. These properties are mostly outside of the overpressure zones and are currently zoned R-1-10.

While not required, it is anticipated that the properties affected by the proposed zone changes will eventually be developed for residential use. The one exception is the property located at 4500 South 2700 West where office use is anticipated. A property zoned A-2 could be developed under the 2 acre format or the property owner can submit an application for a zone change to the RE zone if smaller lots are preferred.

During the Planning Commission study sessions that followed the May 13th meeting, the Commission discussed whether some properties should be excluded from the proposed General Plan and zone changes. Three alternative recommendations were discussed:

- Move forward with the zone change on properties currently zoned A, A-1 and M. For all other properties, change the zoning to R-1-10.
- Reduce the scope of the changes by removing properties that are less than 5 acres in area.
- Deny the application and initiate separate applications to allow the Planning Commission more time to consider a smaller group of parcels at a time.

At the request of the Commission, staff prepared a map showing the outcome of leaving out parcels that are less than 5 acres. The remaining acreage under this scenario would be 590 acres.

Staff Alternatives:

1. Approval of all General Plan and zone changes as proposed.
2. Approval of all General Plan and zone changes proposed on properties currently zoned A, A-1 or M. For all other properties, change the zoning to R-1-10.
3. Approval of all General Plan and zone changes except for those proposed on properties less than 5 acres.
4. Continuance, for reasons determined during the public hearing.
5. Denial. The Planning Commission recommends that staff initiate several General Plan/zone change applications to consider the same properties in smaller increments instead of all of them at once.

Applicant:

West Valley City

Opposed:

Tom Giovengo
3850 S 5600 W

Opposed:

Fred Brock
4411 W 4515 S

Opposed:

Eric Bishop
44 Wanderwood Way
Sandy, UT 84092

Opposed:

Greg Fabiano
8121 Copper Canyon Way

Opposed:

Thomas Michael Mansfield
2753 S 7200 W

Opposed:

Jim Seaberg
978 Woodoak Lane

Opposed:

Mary Jayne Newton Davis
6685 W Feulner Ct.

Opposed:

Frank Newton
3665 S 6580 W

Opposed:

Robert Farnsworth
7776 Oak Shadow

Discussion (verbatim)

Barbara Thomas

So our... let me get in to the... amendments. Steve?

Steve Pastorik

Thank you. So again this is an application that's been discussed at length... just as we've discussed in the previous meeting but also in Study Session's, been several issues discussed and we have in the staff report several options as with the previous application. I'll just briefly discuss those options or alternatives. So the first would be that on all the on the zone changes that are proposed all those would be approved as proposed. The second would be that for those properties that are zoned A, A-1, or M that the zone changes would go forward as proposed. For the properties zoned anything else, they would either be changed to R-1-10 or remain R-1-10 for those that are zoned R-1-10. The third option would be that the Commission would recommend that all the recommended changes be forwarded to the City Council with the exception of properties less than 5 acres. That would reduce the amount of acreage to 590 acres and the total property would be just over 50 properties that would be remaining in the zone change if the Commission were to recommend that change. Again continuance of course being an option. Finally a denial option and as the Commission had discussed in the Study Session that would, well at least as written, the denial would allow staff to come back and look at individual properties or groups of properties as opposed to doing this in all one large application.

Barbara Thomas

Thank you. Questions? Alright anyone that wishes to speak to this application? Mr. Giovengo.

Tom Giovengo

Tom Giovengo. I still believe that you're... you can say what you want that it's not a taking but the lowering of the value and like I said earlier, if everybody goes out and has a property reappraised for tax time, there'll be a big loss of property dollars. Plus a lot of us like me, I don't have to sell ever. I don't have cousins or brothers or sisters saying give me the cash, show me the money. I don't care you know? So you just need to go option 5 and deny the whole damn thing.

Barbara Thomas

Thank you Mr. Giovengo. Is there anyone else who wishes to speak to this application? Sir?

Fred Brock

Once again, thank you. Fred Brock. I just felt I needed to stand up and say I encourage you to deny this application. Thank you.

Barbara Thomas

Thank you. Is there anyone else? Oh I've got this gentleman back here.

Eric Bishop

Eric Bishop, 44 Wanderwood Way Sandy, Utah. Again I think the arguments that I made earlier with the earlier zone change still apply. That each property should be looked at based on its own unique characteristics. A blanket zone change would be fundamentally unfair and really not necessary again giving how each property is, has it's again its own unique situations... should be dealt with on a case by case basis. Again I think it's good planning to look at each individual property and try to assess what the existing uses are and try to then adapt uses that are appropriate for the surrounding area. The property again that I talked about earlier 4500 S and 2700 W. Again has more of a transition use than just a blanket large lot residential use. So again the comments that I had earlier I think apply to this as well. Thank you.

Barbara Thomas

Thank you. Sir? Briefly because we do remember what you said last time too.

Greg Fabiano

I'll be quick. Greg Fabiano, I represent the Salt Lake Board of Realtors. One more time I hope I don't get... when I had mentioned earlier in regards to what was stated when I mentioned taking of... I specifically mentioned taking of value. I do not want to get lost in the semantics of the conversation. Let me rephrase that. Diminishment of value or diminishing of value of property. I just wanted to make sure that was clearly understood. I'm not trying to indicate that this would create a defacto taking of property. I never meant that nor did I say it. So I specifically am referencing a diminishing of value of property that property owners here present. Likewise I think in, per what has just been said that each individual property should be considered on its own merits, its own location, its own specific characteristics, and making a blanket zone and demand of individual property is inherently counter to the characteristics of land itself. So thank you.

Barbara Thomas

Thank you. Is there anyone else? You sir in the blue and did I see a hand back here?

Thomas Michael Mansfield

Thomas Michael Mansfield, 2753 S 7200 W. Everything's been said and I'm in favor of denying it. Thank you.

Barbara Thomas

Thank you Mr. Mansfield.

Jim Seaberg

Hi I'm Jim Seaberg, 978 Woodoak Lane, Salt Lake City, Utah. Appreciate the dialogue that's taken place. Appreciate your patience with all the comments that have been made. I represent Ivory Commercial which is also labeled as ICO. We've been a long time developer in West Valley City. We believe in the City. My sister company Ivory Homes has likewise done the same thing. Obviously you know of what has been done throughout the City. We appreciate your service on behalf of the citizenry, on behalf of business people like ourselves that try to make communities actually really what they should be, great communities in which people have the opportunity to reach their own aspirations. Given the independence signs and things that you have here in this chamber, we support people's individual rights and property rights. All that's been stated. What I'd like to do is simply ask a couple of clarifying questions that I can then get commentary to. So Steve could you help me understand the recent statements that you made suggest that this particular GPZ-1 would exclude a number of properties for which ZT-3 would apply... is that correct?

Steve Pastorik

So the revisions in the first application, the ordinance revisions would apply to all properties in terms of what zones could be requested into the future. The options I discussed are only applicable on this application to the 131 properties that are the subject to the proposed rezone.

Jim Seaberg

Right what I heard you say though is that properties that were subscale, less than 5 acres, etc, would therefore be somewhat excluded. So the reason I'm asking, you obviously know what we own. We own Highbury and we own 5600 W, another 45 acres. We represent 6% of the total area that would be rezoned. Obviously from our standpoint that's a very significant holding. I'm trying to clarify is that your proposing certainly our parcels would still be totally affected by this while others may not in the way you're proposing it. Other words, there will be fewer big land owners that would be proposed but a large number of the voting block and individual ownership would not be as affected.

Steve Pastorik

Depends on which option that the Commission goes with. But because of the previous recommendation, the options for rezoning, assuming the Council goes, essentially follows suite with the recommendation, would still be available. For example if you have a piece that's zoned agricultural now you would still be able to request say R-1-8, R-1-10 zoning based on the Commission's recommendation.

Jim Seaberg

Right. I just view that as... it's a harder hill to climb right? Because we have to go in and request an exception. That's, again, an aggressive posture based on what we deal with. We deal with over 50 jurisdictions across the Wasatch Front. We've been a longtime associate of West Valley and I think that just this idea generally has been seen by us as quite aggressive. We've invested, just on Ivory Commercial, over 40 million in recent project and plan to invest another over 100 million here locally. This has a significant impact on our posture relative to that. I just wanted to make a couple of comments about that. Last just make sure as you're considering these options, by the way Commissioner Woodruff I appreciate your compromise in option three, I think that was as much as could have been hoped for here given the dialogue and I think it's a thoughtful approach despite the fact that it'll make it a little harder for us. The only thing that I would ask you to consider is if our roles were reversed and this has been said by others but a little differently, if our roles were reversed would you be enacting the same kind of proposal. And I know that's sometimes a difficult position to be in but that's the only accord and appreciation we request of you as you consider these options. We'll see what happens at the Council meeting post this. Again I thank you for your time and your service on our behalf we'd love to continue to invest in your community, build great mixed use areas, and that would be our hope and aspiration going forward as we work for a compromise on this issue.

Barbara Thomas

Thank you. Commissioner Fuller has a question.

Brent Fuller

Steve nodded but I... what we did today won't make your approach to getting permits or development any differently.

Jim Seaberg

Explain that to me please because I don't understand that. Could you help me understand?

Brent Fuller

All the zoning that has been in place already is still there with the exception of just a couple small ones which you never would use anyway. So I... Steve?

Jim Seaberg

I didn't understand it that way so could you please clarify that?

Steve Pastorik

I think maybe the disconnect here is that if there's a property that Ivory owns now that's zoned agricultural then you'd need to rezone that anyway. If you have a piece that's already zoned R-1-8 or R-1-10, now they'd need to request a zone change where as previously they would not need to do that.

Jim Seaberg

We have significant parcels that are already zoned R-1-8 that will have to go back now to request an exception for even though it's been very accepted by the community and the marketplace.

Harold Woodruff

That's not true if we don't approve the zone change.

Steve Pastorik

Yes.

Brent Fuller

Yes. So yah.

Barbara Thomas

So are you clear on that?

Jim Seaberg

Do you want to clarify for me? You're looking at me like I don't get it... I may not. I apologize for taking everyone's time, I'd like to just understand.

Harold Woodruff

That's fine. Once again there's two separate parts here. Two different applications. What we just passed was creating a zone and actually defining exactly what that zone is and that's where we made the change from the City Council's point of view of allowing people to still request other zones. Now that we moved on to the second part, there's all those zone change proposals in front of us. Yes if we approved all those then you would have to come back and reapply. But if they're not approved, then everything just stays the way it is.

Jim Seaberg

Again I gave two points. One is, we have existing approvals for example that are R-1-8 that... I would hope I would not have to reapply for those and ask for an exception every time. Now those exceptions are recommended to be allowed in your first ordinance approval for tonight but we hope to not have to do that.

Harold Woodruff

I don't think there's any exceptions in the first ordinance. It just allows you to do things.

Jim Seaberg

Those allowances can be requested.

Harold Woodruff

You can apply. If you have an agricultural piece of property you can still apply for an R-1-10, R-1-8.

Jim Seaberg

But if it's already zoned...

Harold Woodruff

If it's already zoned and we changed it to agricultural then you would have to reapply. But we don't know if that's going to happen.

Jim Seaberg

Ya, okay. Great. Commissioner Fuller thanks for helping me clarify that. I appreciate you for asking that question and Harold thanks for your help. So those are my considerations. Again just put yourselves in our spot so if our roles were reversed, you would be appreciative of the joint effort that we both would be making together to make the City great.

Martel Winters

Can I ask him another question while he's still there? Don't go too far. Now your company has played a pretty good sized role in a lot of the Highbury area, is that right?

Jim Seaberg

Let me clarify, I represent Ivory Commercial not the single family side. We're the same company but different divisions. I don't have control over or work with the single family home side.

Martel Winters

Alright ok. Good. Thank you.

Jim Seaberg

Do you have a question related to that?

Martel Winters

Well I was curious if you were privy to some of the vision there. I love what's been done there in Highbury, I'm there, my kids go to school there, I'm there every day, I drive through there. I really like what's been done there. I appreciate the foresight that you've put through, that you've put together with that. I was curious. I mentioned earlier, I do like the idea of providing some, raising the bar a little bit which I don't know that I would say what's been done in Highbury needs to be raised much or at all perhaps. I was curious if you're aware... in the big master plan of what you want to do in that area, has there been thought to even larger or even nicer homes than what you've been doing there or has the plan been more of the same which is not bad... I'm just curious?

Jim Seaburg

So I can't comment on that specifically. Do you have a comment? Looking to one of our representatives from the development group. At this point, let me just tell you what our philosophy is as opposed to a specific plan. Our philosophy has always to be above the market and I think you've seen us do that. Secondly we master plan a community from mixed residential use or mixed use generally that incorporates commercial uses. Harold knows that we also do quite a bit of affordable housing which is why we're advocates of RM. There are places where that needs to be done. Adjacent to the highway, we need to have a buffer for single family homes. Oftentimes that ends up being an affordable housing project or some type of higher density multi-family. That may not be what you want now but that's the best use often and you've heard Mr. Bishop and others talk about that. Jointly planning with the Steve and his staff those or things we like flexibility in, again, that's something in terms of a broad principle you should look at. Just trust us as well. We build product for the market that is embraced and that is aspirational and people reach a little ahead of where they might have thought they could be so you have a nicer product than you might have envisioned otherwise. That's what we do in ICO, Ivory Commercial, and that's what we do in Ivory homes. We'd hope there'd continue to be joint collaboration to allow us to do that. If there's not, we will reconsider the ongoing development which would exceed over 100 million dollars that we'd proceed with in the City. Other Cities are much more embracing of what we're doing right now than what this ordinance would imply and it's something we would not have expected from the City at this point. Again we appreciate the legacy of work that's been done, we'd like for that to continue. Thank you.

Barbara Thomas

Thank you Mr. Seaberg. Yes, Ms. Davis.

Mary Jayne Newton Davis

Thank you for entertaining one more question. Steve, we're coming back to you again. Under what situation would you see a large agriculture piece being rezoned in an RE for instance? Can you hear me?

Barbara Thomas

Just pull the microphone down.

Mary Jayne Newton Davis

Oh hell.

Barbara Thomas

I heard that.

Mary Jayne Newton Davis

You heard that. Under what circumstance might you see a large agriculture piece being rezoned with an RE?

Steve Pastorik

You mean under this proposal? So the way it's situated right now, as proposed, without any revisions, basically all the properties listed are zoned A or A-1, with the exception of properties under 2 acres, would be changed to this either A-2 or A proper zoning, excuse me. Those are zoned A or A-1 now will go to an A-2 zoning assuming they have at least two acres of property. Under the A-2 zone, again as it was mentioned, we would anticipate that those would be eventually be changed to accommodate residential development. So that would imply that the RE zones be used in those situations. However given what the Commission just recommended in the previous application there are other zones now available again pending City Council's final decision. Sorry that's a long answer to a short question. As it was originally proposed, any properties that were zoned A-2 would go to the RE zone. Now that the Planning Commission has recommended there's other zones that could be applied for.

Mary Jayne Newton Davis

Thank you. I thought so. Thank you all. You are terrific.

Barbara Thomas

You're welcome. Thank you. Sir?

Frank Newton

I'm Frank Newton, I live at 3665 S 6580 W, West Valley City, UT 84128. I do appreciate the effort that's gone in by the Planning Commission but I'm against... I mean we have a process in place already where if we want to develop our ground, we come in and we apply for the zoning. Why do we need to do anything? Let's just deny it. It, to me, it makes no sense when we already have something that works. The housing is improving, we've seen that in a number of developments, for example Highbury, Fassio Egg Farms is a great example, Breeze Drive I think, there's a number of improvements that are happening currently. Why do we need to change it? We don't need... it's like the Obamacare, let's pass it to see what's in it. Let's don't pass it. Please deny it. Thank you.

Barbara Thomas

Thank you Mr. Newton. Anyone else? Sir.

Robert Farnsworth

Thank you again, real quick, I just had one thought.

Barbara Thomas

Just your name real quickly please.

Robert Farnsworth

Robert Farnsworth. Madam Chair you already expressed to us and talked to us about how a master plan works and that it's reviewed by the Planning Commission. I would think that this is,

this rezoning should take place, if at all, it should go through that master plan review. It should be part of a City wide plan. Thank you.

Barbara Thomas

Thank you. Anyone else? Okay, I'm going to close this hearing. Bring the issue back up to the Planning Commission. Commissioners?

Martel Winters

Well I have a question I guess for Steve... help me to understand... are there... so if we deny this the way it stands right now, would there be anything that we, let me figure out how to say this. Would we still see all applications or would there be applications for a housing development or something that we would not see for one reason or other?

Steve Pastorik

Ultimately all subdivisions would come through the Planning Commission. It just becomes a question of whether or not a zone change would be required. So if there's a property that, let's say is already zoned R-1-8, if the Commission denies this application that property would remain R-1-8. That owner could then submit an application to subdivide that property. At that point it really becomes an administrative action where the Planning Commission is just making sure that they comply with the ordinance. There's really not an ability to say no to a subdivision application where the zoning's already intact. Property that's currently zoned agriculture that wanted to develop to say R-1-10 would still have to come through the Planning Commission to request a change in zoning. That's always been the case. So it just depends on what the zoning is now and what level of approval they need in order to develop.

Martel Winters

So if it's currently zoned R-1-8 then as a Commission we, at that point, cannot make the decision to say we'd really like an R-1-10 here at that point. We don't have that option.

Steve Pastorik

Right unless again if there was some future application on a specific property to say change the zoning to R-1-10. If you just deny this and there was no further action taken then that property could develop as an 8,000 square foot lot subdivision.

Martel Winters

Okay. We could still impose, the point system would still be in place, still impose house size. Things like that.

Steve Pastorik

Right. Those are already in place.

Martel Winters

So like the house size would already be in place as part of that zone.

Steve Pastorik

Right so right now the minimum house size is 1400 square foot for a rambler and 1600 for a multi-level and would apply to any new home, regardless of the zone.

Martel Winters

Okay. We would not be able to say we think this would be better with little bit larger homes, we'd like you to do 1600 minimum for example. We would not have that ability?

Steve Pastorik

As part of a zone change you would but not if it's already zoned. If it's an R-1-8 you really would not have that ability.

Martel Winters

Okay. Thank you.

Terri Mills

You can say it. You just might not be heard.

Barbara Thomas

Commissioner Fuller?

Brent Fuller

Oh no...Unless their ready...

Barbara Thomas

Does anyone else have comments? Commissioner Matheson?

Jack Matheson

Not really. I'm not sure if I'm in favor of the A-2 zone or the RE zone but it does provide a way that we can look at each property individually and consider them.

Barbara Thomas

Alright. Anyone ready for a motion? Commissioner Woodruff is that a raise?

Harold Woodruff

Brent. Let Brent do it.

Barbara Thomas

Oh he's pointing. Thank you.

Brent Fuller

On GPZ-1-2015 I move for denial. The Planning Commission however recommends that staff initiates several GPZ applications to consider the same properties in smaller increments instead of all of them at once.

Barbara Thomas

Second?

Harold Woodruff

I'll second it but would you consider a modification in that... I don't know that I want it to be so definitive that we initiate an application for all these properties. I think we should have the option to drop some of them out if they don't make sense because of size or something. The way I read that it sounds like we don't have that option. Am I reading that wrong?

Brent Fuller

I'm reading this as saying we're going to take from some... from the Jordan River to 2100 South from front to back or whatever and say okay let's consider this area. Not individual pieces necessarily, just the entire area. Like Eric's property, I mean it would be something that we would consider. I mean it just... it was just a blanket proposal and it wasn't right. We just need to divide it up into smaller increments. That not how you interpret that?

Harold Woodruff

Well I read that as saying that every piece of property that is before us in this application we will initiate a zone change on and I didn't really... I'm not so sure that's the best approach.

Brent Fuller

I don't think that's the intent either.

Brandon Hill

Just as a quick clarification the effect of that motion if passed would be to recommend denial of the application to the City Council and the guidance would be exactly the discussion you're having now to say that in some form you'd like to see individualized applications whether that's one at a time or in groups of similar properties or however makes sense to do that. It wouldn't bind to a one by one 120 application process at all.

Harold Woodruff

Okay.

Barbara Thomas

Alright, any questions on the motion for denial? Ok.

Martel Winters

I wonder if we ought to have it maybe repeated with what the current verbiage sounds like then. With that clarification.

Brent Fuller

I think it was just a clarification of, what in my mind, what it meant. I'm not changing any of the verbiage.

Martel Winters

Okay.

Harold Woodruff

I'm okay with that.

Martel Winters

Brandon, your saying that means that we're not requiring anything, we're opening it up for discussion that it be addressed on a case by case basis or a group basis. Is that correct?

Brandon Hill

Yes sir and the effect of that would be you're recommending denial to the Council so you'd be saying Council on this application, you should deny it. And the reason why is because we want to see a more individualized process.

Martel Winters

And that could look like anything. It'll be a general...

Brandon Hill

Absolutely. And that's something you can give feedback on going forward, exactly what you want to see there as well.

Martel Winters

Okay. Thank you.

Barbara Thomas

Alright. Roll call please.

Nichole Camac

Commissioner Woodruff	Yes
Commissioner Winters	Yes
Commissioner Mills	Yes

Commissioner Meaders	Yes
Commissioner Matheson	Yes
Commissioner Fuller	Yes
Chairman Thomas	Yes

Motion for denial is approved.

Barbara Thomas

Thank you ladies and gentleman, appreciate your patience.

[applause from audience]

I imagine we'll be having a meeting with the City Council now.

[laughter]

Steve Pastorik

If I may, Madam Chair, so as we mentioned, both these applications will ultimately go to the City Council. There will be a notice sent out to all property owners as was done previously for the City Council meeting. So all the property owners will be notified of the date and time of that meeting.

Barbara Thomas

If you know of someone who didn't receive one that last time, let them know about the meeting. Thank you.

Minutes from the May 13, 2015 Planning Commission Public Hearing

The following minutes are verbatim

GPZ-1-2015

West Valley City

General Plan changes from various land use designations to large lot residential or non-retail commercial and zone changes from various zones to A or A-2

756 Acres

At the direction of the City Council, staff has submitted a General Plan/zone change application for 756 acres in various locations throughout the City. The proposed General Plan changes are from low density residential (3 to 4 units/acre), residential office, mixed use, heavy manufacturing, light manufacturing and commercial light manufacturing to either large lot residential (2 to 3 units/acre) or, in one situation, non-retail commercial. The proposed zone changes are from A, A-1, M, R-1-6, R-1-8, R-1-10, R-4-8.5 and RM to either A or A-2. Included with this report is a map highlighting the proposed zone changes and a list that identifies all of the properties affected by the proposed General Plan changes and zone changes.

The City Council has long been concerned about the shrinking amount of available land for residential development and the lack of high end or executive type housing in the City. Included with this report is a map showing home values across Salt Lake County and a document entitled "Talking Points for Housing Standards." This map and document help illustrate the Council's concerns. To address these concerns, the Council passed a temporary land use regulation or moratorium of zone changes to any residential zone on October 7, 2014. This moratorium, which became effective on October 14, 2014 was in effect for six months.

During the moratorium staff had several discussions with the City Council to explore ways to address the lack of high end housing in the City. After considering different options, the Council directed staff to make the ordinance amendments proposed in application ZT-3-2015 and to initiate the rezones proposed in this application.

When compiling the list of properties to include in the application, staff used the following criteria:

- The property is vacant or only partially developed.
- The property individually is at least 2 acres or the property, together with other adjoining property, is at least 2 acres.
- Residential development is anticipated on the property.

Properties that have already been entitled for residential development are excluded.

For those properties that are currently designated as non-residential in the General Plan but are now proposed as residential, an explanation for why the non-residential designation is being changed to residential is provided below:

- 6002 S and 6152 S SR 111 – While owned by ATK, these properties are located on the west side of SR-111. SR-111 is a wide right-of-way that separates the property for manufacturing zoning on the east side of SR-111. The property to the south has already

received zoning and development agreement approval for single family residential.

- 4798 S 6400 W – This property is also owned by ATK and is located north of the Union Pacific railroad tracks. There are already several locations along the railroad tracks that have developed as residential.
- 6511 W and 7011 W 6200 S and 6420 S SR 111 – These properties are located south of 6200 S between SR-111 and the Mountain View Corridor. These properties are mostly outside of the overpressure zones and are currently zoned R-1-10.

While not required, it is anticipated that the properties affected by the proposed zone changes will eventually be developed for residential use. The one exception is the property located at 4500 South 2700 West where office use is anticipated. The proposed A and A-2 zones are meant to be holding or temporary zones until such time as the property owner is ready to develop. When a property owner is ready to develop, an application to change the zoning to the new RE zone will be required.

During the Planning Commission's study session, the possibility excluding some properties from the General Plan and zone changes was discussed. One example discussed was excluding smaller parcels from the proposed changes. The Planning Commission's recommendation to the City Council can certainly contain suggested revisions.

Staff Alternatives:

1. Approval.
2. Approval, subject to recommended revisions by the Planning Commission.
3. Continuance, for reasons determined during the public hearing.
4. Denial.

Applicant:

West Valley City

Opposed:

John Betts
3920 S 5200 W

Opposed:

Robert McConnell
101 S 300 E

Opposed:

JoAnn Jacobs
3935 S 6000 W

Opposed:

Fred Cox
4466 Early Duke Street

Opposed:

Robert Farnsworth
3696 S 5600 W

Opposed:

Kelly Engle
3610 S 3440 W

Opposed:

Jim Yates
3076 Cruise Way

Opposed:

Anita Brock
4411 W 4415 S

Opposed:

Greg Cox
2782 S Corporate Park Dr.

Opposed:

Dorreen Yates
3076 Cruise Way

Barbara Thomas

Ok. The next item on the agenda is a petition by West Valley City requesting amendments to our General Plan. Let go ahead and turn the time over to Steve for questions or I mean for an explanation. If we want to wait for a moment while people are leaving. Alright go ahead Steve, please.

Steve Pastorik

Ok thank you. So this next application is also initiated by the city. It's a change to the City's General Plan as well as zoning. Again, the properties involved total 756 acres, there's a total of 132 properties. Included in the notice to the property owners as well as for the Commission, there's a list of all of the properties that are affected by the proposed rezoning. As we've discussed, depending on the size of the property, the proposal for the zone change was to the A zone or the A-2 zone depending on the size of the property. Again as we mentioned the existing zoning on the property varies again depending on the property. Again this action is taken, as we've discussed earlier in the previous application, the Council is concerned about the shrinking amount of residential land available in the city and the concern for having areas for larger lots. I should point out, with the larger lots, certainly the concern is value but also there's concern for just having a variety of lot sizes. We have many smaller lots but just not very many in terms of options for larger lots that exist in the City. In terms of those properties that were identified, let me just briefly address the criteria that was used to identify. All those properties were either vacant or mostly vacant. There are some that have a home on them but they have ground that could be developed. For example you have a home on a 3 acre parcel for example. The properties were either individually at least 2 acres or you have a collection of vacant properties that were at least two acres adjoining one another. Then again, finally, these are properties where there is residential development that's anticipated. So we do have other areas of the City where there is vacant ground where there's either commercial or industrial development that is anticipated. As it was mentioned by Mr. McCay, one thing that was brought to our attention by Property Reserve Inc. (or PRI), there is a property, and I apologize I can't see the screen at this point, but it is just west of 5600 W and approximately 6400 S that was annexed into the City back in '96 and so that was prior to my time here at the City. That agreement essentially said that the City would not change the zoning on that particular piece of property. There was an agreement to that effect back in 1996 and so that particular property, again because that was brought to our attention, our suggestion to the Commission would be that that property be excluded because of that prior agreement.

Barbara Thomas

What was that zoned?

Steve Pastorik

It was zoned RM.

Barbara Thomas

Thank you.

Jack Matheson

Is there additional properties that we may need to consider? Such as Mr. McCay brought up PRI property that...

Steve Pastorik

As far as the agreement is concerned, that's the property that was impacted by that. Now, I know Mr. McCay represents Suburban Land Reserve so they also own property in the Lake Park/Highbury area as well but again those were not impacted by this annexation agreement.

Brent Fuller

Steve, how many acres is in that R-1... or RM area?

Steve Pastorik

If memory serves I believe it was about 15 acres but I can look very quickly here. It's about 14.5 acres, the RM portion. Now that particular piece has... it's a larger piece that has commercial zoning out by 5600 W and then the RM zoning in the back. So what was proposed was just changing the zoning on the RM portion. The C-2 zoning would remain intact.

Barbara Thomas

As we go into this discussion I just need to indicate that my family owns a piece of a property which is just off of 6600 S, about 6800 W. I don't think that will impact... it's about 5 acres I think. Okay, is there anyone who wishes to speak to this? Let's start with this gentleman, then this gentleman, then this lady.

John Betts

Again, John Betts, 3920 S 5200 W. As has been talked about already, West Valley City's 97% already built out with only 3% remaining. With all due respect, that 3%, I looked at all those graphs and charts that you showed at the beginning, with only 3% of your total land value available for development, you're not going to change any of those numbers. Thank you.

Barbara Thomas

Mr. Betts, I didn't get your address there for the record.

John Betts

3920 S 5200 W.

Barbara Thomas

Thank you. Sir?

Robert McConnell

Just real quickly with respect to the Giovengo's property. Robert McConnell 101 S 200 E suite 700, Salt Lake. The General Plan has some... it has identified this area as an opportunity corridor, it has residential office, mixed use zone and some higher density small lot zoning that's approved for that area of the City. That's something the Giovengo's would like to be able to preserve and to advance in terms of development proposals in the future. One of the things that you'll notice when you look at, from the prior presentation, Mr. Pastorik's presentation, the map

that showed the values and there was the green and then you got more yellow and orange and red so forth. One of the things that's really not hard to figure out is that most of that green is up against and located on the east bench. And then there's a pocket kind of in the Holladay area that is along Cottonwood Creek. And then there is some newer developed communities where their housing stock is much newer and frankly, I lived in South Jordan for 18 years and when I moved there the minimum lot size was 1/3 acre. Almost from the inception of their growth period, they started with that 1/3 acre zoning mantra. Ultimately I think they determined that wasn't ideal and that they needed to have some additional higher density housing which is really the opposite of what you have. My point is, there are geographical limitations and inputs to the desirability of a property for larger lot zoning. The Giovengo's property is up against the Mountain View Corridor, it's adjacent to 5600 W, there's high density on the other sides (on the opposite ends of it), and the notion that its appropriate now to put 2 acre large estate lots on there is probably not a marketable concept. In some respects you not only affect its value, you exchange it for dollars for rubles. And say, but unlike rubles I can pick up and put in my bag and go down to the Zion's monetary exchange and change them out for dollars. I've got to wait for a ruble buyer to come to West Valley City and offer me to buy my rubles. It's just not a good fit.

Barbara Thomas

Thank you Mr. McConnell. Yes?

JoAnn Jacobs

JoAnn Jacobs, 3935 S 6000 W. So I have a question... West Valley City's having a conversation about taking people's property and making it so that they can't do what they plan to do with it but they are excluding themselves on a 15 acres piece? Does that seem right to anybody? Did I get that right?

Barbara Thomas

I think... are you talking about the piece down on 6200 S?

JoAnn Jacobs

Yeah.

Barbara Thomas

That was a piece when the City annexed, that particular property owner had requested in the process of development that the zoning not be changed on that and so that request is being honored.

JoAnn Jacobs

Ok but everybody else purchased their properties in the zoning that they're currently in and if they want to change that zoning, they have the right to come down to the Commission to apply for that. How is this excluded from a blanket thing? That just doesn't seem right. You're putting a hardship on families who have been planning to use their property for a specific use but then

you're saying oh but we've got 15 acres that we're going to exclude from that. I was just clarifying that was actually being said, that just doesn't make sense.

Steve Pastorik

If I may clarify, that 15 acres actually is not owned but the City. It is owned by Property Reserve Inc. Again at the time it was annexed in 1996 the agreement at that time, written agreement that was approved by the City Council and the land owners at the time, was that the zoning on that particular piece would not be changed.

JoAnn Jacobs

I'm pretty sure when I bought my property I signed a piece of paper saying that my zoning was going to be x. How does this not qualify under that same thing? That's all I'm saying... how does your property get excluded when the rest of these people are being put into a hardship because of something the City Council's dreamed up.

Barbara Thomas

It's not the City that owns it. It's another property owner who when they purchased the property has a written agreement indicating that the zoning would not change.

JoAnn Jacobs

I have a written agreement that I have this particular zoning on my property. I have a written documentation saying this is the zoning on my property. They are just going in and arbitrarily changing it. I don't see how they have the power to say I'm going to change the zoning here but this is excluded because of this even though when I went to my title company I signed documents saying my zoning as this. That's all I'm saying. That didn't make sense to me.

Barbara Thomas

I understand what you're saying. Yes, Commissioner Meaders?

Clover Meaders

*****audio did not record*****

Steve Pastorik

Sure, so if you have an existing home then of course we're not proposing any... in a subdivision we are not proposing any zone changes there. I think the distinction here, or the misunderstanding, is that the City can propose changes in zoning on property in the City. The City has done that many times in the past and has that ability to basically change zoning on property. So once you have a particular zone in place, there's no guarantee in the City's zoning ordinance that says that that zoning will never change or that it will always be that.

Barbara Thomas

Ok thank you. Let's go ahead and get some other discussion while we still have others who are waiting. Back here and then you sir after that.

Fred Cox

Thank you my name is Fred Cox I live at 4466 Early Duke Street in West Valley City. I'm an architect, I work and live in West Valley. My 6,800 square foot lot isn't going to win any awards, I'm just trying to hang on to it, the economy hasn't been great. I did want to comment, somebody that spoke earlier about Colt Ct, I believe it was Mr. Condie that spoke. Those lots there are some of the nicest lots... I've knocked on lots of doors in this valley or at least a good portion of West Valley. They're nice lots. They're not all brick, they're not all 15,000 square feet lots. I don't know if you want to get rid of, looking at the map which is what you're discussing, I'm not sure if you want to make the changes that are being proposed in the map. I love the flexibility that was mentioned earlier and keeping some of the existing zones. My comment is, if you're going to change some of the lots that are being proposed on the map, take into account that those changes would not necessarily allow another development like that one on Colt Ct. If you're looking for some really nice ramblers or whatever, it's got it. And they did it in lot smaller lots. I just wanted to mention that. Thank you.

Barbara Thomas

Thank you Mr. Cox.

Robert Farnsworth

Hi thank you. Again Robert Farnsworth, I guess last time I didn't give you my address so we'll do that. 7776 S Oak Shadow Cir. Cottonwood Heights, UT 84121. Again here speaking on my mother's behalf. I want to just put this into the record if I may because of what I've already stated previously about the unfair hardship that could, or that will if this is passed and these rezoning's will take effect, be that burden upon your citizens. We're all familiar with our Constitution. I just wanted to remind everybody about the Fifth Amendment and without reading the entire Fifth Amendment I'll just read a couple words out of it. It says no person shall and then at the very bottom after it goes through many other things that could be imposed upon you. It says no person shall... let's see.... Or... no private property shall be taken for public use without just compensation. I'd submit to you right now that if you're looking at taking a 35-50% value from somebody, this is a public taking under the Constitution and the Fifth Amendment. Thank you.

Barbara Thomas

Thank you Mr. Farnsworth.

Brandon Hill

Madam Chair, again if I might comment on that issue and provide some advice to the Commission on that front. A clear line of case law both at the Utah Supreme Court and the

United States Supreme Court level indicates as a matter of law that such a development would not be a taking under the meaning of the Utah or the United States Constitution. So the wisdom of the proposal is something obviously for debate but that's been resolved as a matter of law.

Barbara Thomas

Thank you. Yes?

Kelly Engel

My husband and I both grew up here. Kelly Engel 3610 S 3440 W. We both grew up here and we bought our land after we built our home from my father-in-law who would be rolling over in his grave right now if he could hear all this. But our plan, we bought it as an investment because we're self-employed. That's our retirement. We wanted to develop the land and our thought down the road was, with Victoria Woods right but us and the Gerald Wright Home, we were thinking of maybe looking into building some sort of an assisted living for elderly people. If this plan goes through, we don't even have that option because we can't even apply to have the zoning changed if we want to do that. So I don't think it's right that you just do this blanket thing on all the property in the valley that's left and don't give people an option to do what they want with their own land.

Steve Pastorik

If I may clarify, so in West Valley assisted living projects have been approved in commercial zones so the commercial zoning under the zone text amendment is still an option to petition for. So it would be possible to request zoning and do an assisted living project if the commercial zoning was approved.

Barbara Thomas

Ok, yes sir. Then the lady in the copper colored shirt.

Jim Yates

Jim Yates, 3076 Cruise Way, Glen Brock's son-in-law. Unfortunately he has enough property that he got both letters. I just want to go on the record of my prior statement that we also object to this other proposal. Thank you.

Barbara Thomas

Thank you Mr. Yates. Mam?

Anita Brock

I had not planned to do this but just a few thoughts. Anita Brock, 4411 W 4415 S. It was suggested to us earlier this week that we come to the City Council meeting that was held last evening in addition to this meeting here. We did though not nearly so many people because most people were not aware of that, I'm sure they would have been here. We were listened to but then they kind of just started telling us why and they didn't cover all the points that we made but points that we had made that we were wrong and not understanding those right. One of the things

that they told us when they referred to this new business park that is being built and that there would be CEO's and they told us that they would be looking for housing in West Valley City and so they want to have these fabulous lots where they can come and build, the CEO's can come and build these fabulous homes. I loved the sweet teacher that talked about the good people that live here in West Valley City. I have really felt offended as we have gone through this process that we are basically being told that we are not the kind of citizens that are being looked for to live here in West Valley City. It really does bother me. I kind of thought as this meeting is being recorded, correct? Possibly the City Council could benefit from listening to some of the comments that have been made here this evening because I think a lot of the people would have been here making those comments last evening. The comments have been very sensible and made a lot of common sense. I have really appreciated them and second the many of the thoughts that have been made. May I just ask, June 10 you say will be your next meeting on this. Will this time be the same at 4 o'clock?

Barbara Thomas

That's when our meeting would begin, yes.

Anita Brock

Okay. And I am wondering how we can find out, how we can know as citizens, what will be being discussed at the City Council meetings and what dates.

Barbara Thomas

Well I don't know that there'll be discussion at the City Council level. It'll primarily be at the Planning Commission level. They have asked us to review this to get input from citizens and then to make a recommendation to them.

Anita Brock

Okay they did talk about this last evening.

Barbara Thomas

I don't know if they'll be discussing it formally on their agenda or do you know differently?

Steve Pastorik

Once the Planning Commission makes a recommendation to the Council then the Council will hold a public hearing similar to this on both applications. Just to clarify, Ms. Brock brought up the Council meeting last night. Just want to make sure it's clear that every Council meeting, every Tuesday the Council has a public comment period where people can come and address any issue. These two items were not on the Council's agenda last night yet there were some people that came and addressed these applications. Again, that public comment period is open to any public comment. At the point that these applications are formally considered by the Council there will be a public hearing for those.

Anita Brock

Okay, thank you very much. And again I would be happy to suggest that they might listen to some of the comments tonight.

Steve Pastorik

And if I may also just clarify that the Council will receive the minutes of the Planning Commission meeting so they will have all the comments that were made this evening.

Barbara Thomas

Fabulous. Was there someone else who wanted to speak on this? Sir?

Greg Cox

Gregory Cox, I'm representing Monticello Academy, a charter school at 2782 S Corporate Park Drive. And I don't come speaking for or against necessarily the proposals here but more making the Planning Commission aware when plans are brought in the future for developing that land around that school. As we have watched the Lake Park development really develop over these last several months, we're finding something that we already experience may become much much much more serious. And that is that when they built that building, they built it in a hole. Every time it rains we have water come into the foundation into the floors. Now we find that all the buildings, all the community being built up towards us is at least 5 feet higher than we are. We're going to be in a real hole when they build all the way around there as that continues and the streets are at the level they currently are. As plans are brought to you for approval, I would hope you would think about how that water or any water is going to be able to be taken away from the buildings so that we don't end up being a swimming pool instead of a school. Thank you.

Barbara Thomas

Thank you Mr. Cox. Is there anyone else? Mam.

Doreen Yates

Hi my name is Doreen Yates, I live at 3076 Cruise Way. I am a daughter of Glen Brock who... excuse me... who would have liked to have been here tonight. I'm sorry. As I've sat here, I sat through the Council meeting last night and sitting here tonight I want to thank you for your willingness to listen to us. Last night at the City Council meeting we were made to feel uneducated and to feel very lesser of people in our concerns. I appreciate to you tonight that you're willing to listen and acknowledge some of the concerns that we have. I also echo that's already been said tonight. We oppose both of these rezoning proposals. I just want to thank you for your willingness to listen to how it will directly affect my father's medical care that he will receive. That may not mean a whole lot to West Valley as a whole but he is a long-time resident and I know he is not alone in what he struggles with in life right now. I know there are very many elderly property owners and families who want to work with their elderly parents in

making choices as to what they would like to do with the property that their parents worked hard to obtain. Thank you.

Barbara Thomas

Thank you Ms. Yates. Okay, if there's no one else then we'll close this hearing and bring it back to the Commission. Are there comments for discussion? Yes Commissioner Woodruff?

Harold Woodruff

Well there's no reason with the outcome of the previous hearing but to continue this. I'll make a motion for GPZ-1-2015 to continue it.

Brent Fuller

I second.

Barbara Thomas

Seconded. Is there a discussion?

Brandon Hill

Just to be clear, is that motion to continue to the June meeting, the same as the other?

Harold Woodruff

Yes. Let's continue it to the June meeting also. Thank you.

Barbara Thomas

It's acceptable to the second I assume?

Brent Fuller

Yes

Barbara Thomas

Okay. Roll call vote please.

Nichole Camac

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	N/A
Commissioner Tupou	Yes
Commissioner Woodruff	Yes
Chairman Thomas	Yes

Motion for continuance to the June meeting is approved.

Barbara Thomas

Okay thank you. Thank you ladies and gentleman, we appreciate your time, your comments, and appreciate the fact that you know how difficult this is.

To the West Valley City Planning Commission & West Valley City Council:

RECEIVED BY
JUN 01 2015
City Recorder's Office

Re: the proposed General Plan change (GPZ-1-2015) and Zone Change (ZT-3-2015)

(Parcel # 2106401004)

We are concerned that such a drastic change to zoning and lot and home sizes would even be considered, much less pushed through by the City Council. We attended the council meeting of May 9, 2015 to voice our concerns. We felt dismissed by the responses of Council members and the City Manager.

We attended the Planning Commission meeting of May 10, 2015 and were pleased with how the planning commission listened to those with concerns who presented information against the application. I obtained a CD copy of the meeting and listened twice more to those comments.

ZT-3-2015:

Under the new A2 zoning and the proposed zoning rules my 6 1/3 acres would not be allowed to be divided between our posterity without losing the Agriculture zoning. My wife and I have worked many years for this property and the possibility of literally dividing the estate among our heirs. Now it seems that possibility will be revoked by fiat of the Council & City Manager. The drastic change to city zoning will have unintended consequences that cascade beyond the 132 listed parcels of land.

GPZ-1-2015:

The Planning Commission meeting of May 10, 2015 was very informative. Many attendees in the business of planning, building and sales voiced their concerns. Consider the projections of Mr. Farnsworth, experienced in the industry, that the Residential Estates plan would devalue properties between 35 and 50% depending on property size and configuration. I repeat that we have invested years of hard effort in our small acreage that is now threatened by the Council and City Manager with a devaluation of up to half its worth. The Council claims this move will actually increase the value of our property by increasing the scarcity of lots. Would the Council be willing to put half the value of their investments and estates in escrow pending the outcome of their gamble? Would they gamble so with the investment accounts of City employees?

In the Ivory Homes section of Daybreak (South Jordan), lot sizes vary from 4,200 to 6,600 square feet (a mix of smaller lots according to Envision Utah standards). Even given the

Daybreak philosophy of maintaining 50% open space, this converts to a raw size of 8,400 to 13,200 square feet per lot (a mix of mid to large lots).

The recently built Maple Meadows Estates adjacent to our property is an example of very nice homes built on mid-sized lots. Four photographs appear on the attached sheet. The Estates comprise 34 lots: 24 from 8-9,000 sf, 6 from 9-10,000 sf, 1 from 10-11,000 sf, 2 from 11-12,000 sf and the largest at 13,470 square feet. These are nice homes mostly on the smaller of the mid-size lot range. Only the largest lot would be considered a "Large Lot". Most buyers today do not want larger lots. Nice homes, yes, but not larger lots.

We had the opportunity to meet with two City Council members. Both of them listened politely but did not seem open to compromise. If the Council insists on an area of 15,000+ square foot lots, this needs to be limited to 20+ acre pieces where the size allows sufficient flexibility to accommodate the large lots. The area beyond U-111 has just begun to develop. This seems an ideal area to either preserve large lots or preserve a balance of open habitat and smaller lots.

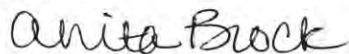
The architectural standards should be addressed regionally. I would suggest that a committee representing West Valley, West Jordan, South Jordan and South Salt Lake identify areas built 5, 10, 20 and 30 years ago and study which areas / homes have preserved their value, and why. We also cannot be the only community asking this question. What is the national consensus of professionals?

With this and other information you have, we encourage you to deny application GPZ-1-2015 and ZT-3-2015 as submitted by the City Council and City Manager Pyle.

Alan F Brock



Anita Brock



Maple Meadows Estates

Lot 30 8080 sq ft



Maple Meadows Estates

Lot 33 8080 sq ft



Lot 32 8080 sq ft



Lot 29 8080 sq ft

19 p 0808 25 f01



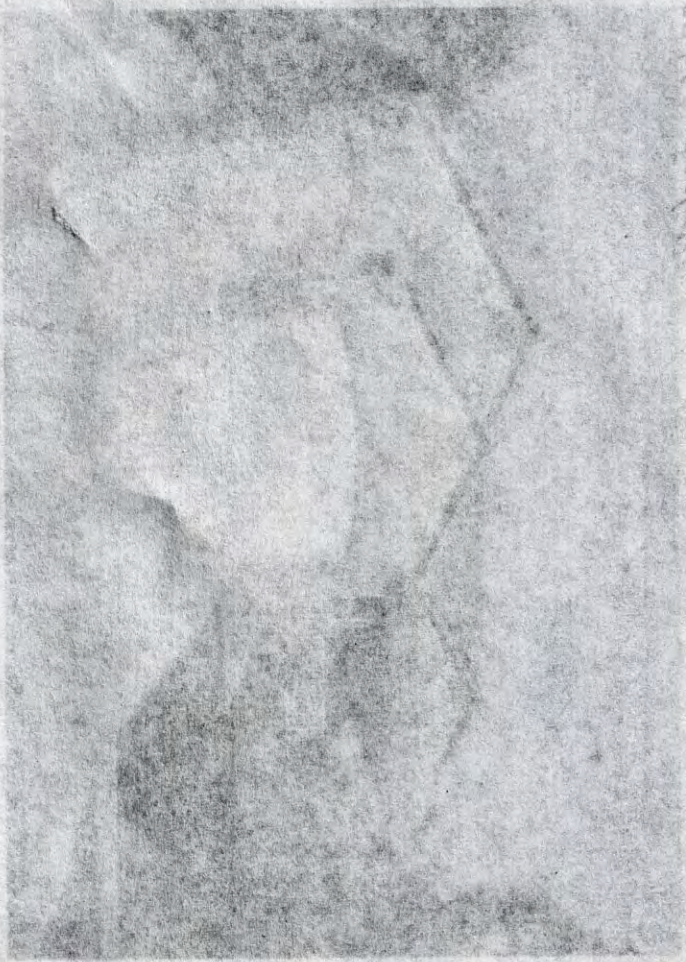
19 p 0808 25 f01



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THE CHRISTENSEN GROUP PLLC

May 21, 2015

West Valley City Recorder
3600 Constitution Blvd
West Valley City, Utah 84119

RECEIVED BY
MAY 26 2015
City Recorder's Office

Re: Rezoning Matter

Dear City Recorder:

I represent Douglas Glen Brock of 3940 South 5200 West and am in receipt of the correspondence dated April 27, 2015. Further, I attended both the city council and planning commission meetings last week. On behalf of my client, Douglas Glen Brock, I submit our strong opposition to Application No. ZT-3-2015 (the "Rezoning").

At both meetings, there was unanimous voicing against the Rezoning. Substantial discussion was had about the water usage issues of the larger lot sizes under the Rezoning. Multiple developers and craftsman also were in unanimous agreement that the building requirements rendered development under the Rezoning financially untenable. Multiple individuals also discussed how the Rezoning greatly diminished their property values by making their land no longer attractive to developers.

There are at least two issues that need further investigation. First, at the Planning Commission meeting, there was a realtor who spoke. She stated that she had done some research and found that the City of West Valley owned developable land outside of the Rezoning area. If true, this sounds as if further research needs to be done to ensure there is no diminution in value of residents' property for the benefit of the City. I am sure you can appreciate how serious this matter could become.

In addition, another person at the Planning Commission spoke on an issue that I too have. When the City noticed the meeting, it sent notice to the property owners that are directly inside the Rezoning area. However, Section 7-5-101(3) states that all "[p]roperty within City limits may only be amended or rezoned to the following zones: A-2, RE, C-1, C-2, C-3, BRP, MXD, CC and M." In other words, not only are property owners within the official Rezoning area impacted by this change but ALL residents of

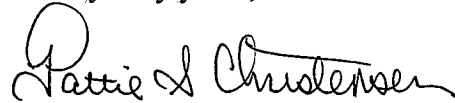
12903 S 300 E
Draper, Utah 84020
801-878-7872
Fax: 801-878-7892
pchristensen@pattiechristensen.com

West Valley City have suffered a severe and demonstrable loss in their property value because of their complete inability, under the new regulations, to rezone their property into the many now existing zones. Because this change is statutory, the Planning Commission, and City Council for that matter, would not be able to act otherwise. Hence, it is clear as a matter of law that all property owners within the City would need to be notified of the proposed Rezoning as they will all be impacted thereby.

One of the individuals who spoke at the Planning Commission meeting was able to determine the actual diminution of value of the properties directly within the Rezoning area at between 35% and 50%. As my client is within the Rezoning area and his property is his retirement plan, we will expect compensation should the Rezoning pass.

If you have any questions, please call.

Very truly yours,

A handwritten signature in cursive script that reads "Pattie S. Christensen". The signature is written in black ink and is positioned above the typed name.

Pattie S. Christensen, Esq.

May 19, 2015

West Valley City Planning Commission
3600 Constitution Blvd. Suite 240
West Valley City, Utah 84119

To: Members of the Planning Commission

I am sending this letter in response to the proposed zone change from "A" to "A-2" and the devastating affect it will have on our 15.7 acres of ground which is located on the west side of 2700 West and about 4200 South.

I attended last weeks Planning Commission Meeting where the city proposed the above noted zone change. How the parcels were selected for this change is hard to understand especially as it affects our property. My comments are specifically related to our property and not the overall proposals being made at this time.

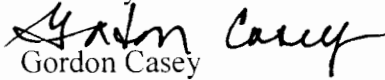
Approximately 4 years ago the present owners of this property were involved with UDOT in the sale of a parcel of property for the new freeway to be built some time in the future. As part of sale we traded for the 15.7 acres which we now own. Since that time there have been several builder-developers present offers to purchase the property. We had entered into a contract which was subject to their due diligence to make sure that a project could be approved and developed. The first purchase contract with extensions of time lasted for one and one half years. We learned that the Kearns Improvement District sewer line that serviced this property needed to be upgraded before any new development took place in the area. During this time contacts with the city by the proposed developer and our representative, Eric Bishop, took place but finally it was determined by the developer that the cost of upgrading the sewer line under I-215 was to high and without a solution at this time they chose to look at other properties. Since that time we have had other offers with a possible solution pending on the sewer problem. Just prior to the moratorium, we were working on an offer from Bach Homes but before the offer was finalized the moratorium went into effect and the offer was put on hold for 6 months. As soon as the moratorium ended we again began working with Bach Homes until we received notification of the possible zone change. There is a large commercial building under construction on property that had been owned by American Express in Taylorsville City and is located on the east side of 2700 West. The sewer problem was resolved along with the approval for the construction of this building and we now have access to sewer our property and could proceed with the sale and development of this property. I have gone into detail about what has transpired in regards to this property to let it be know that we have been actively persuing the development of this property because it seems some in the city thought we were not doing anything with this property. During this time Eric Bishop has had contact with staff many times regarding our property.

This property as identified on the county records as Parcel No.16-28-331-015. To the south west are either older apartments or town homes. Adjoining our property to the west and north are older single family homes on smaller lots. East of the property across 2700 West are several UDOT Buildings and to the south is a UDOT driving Range. The county has appraised this

property for tax purposes at \$4,045,000.00 with taxes at \$66,000.00 per year. The proposed zone change would essentially make this property worthless because no one would want to build up scale housing at this location based upon the type and condition of the surrounding properties. This property was used as a borrow pit for the construction many years ago and considerable work needs to be done in order to build on this site also making a single family housing development of 15000 square foot lot or 2 acres cost prohibitive.

The owners of this parcel of property request that the proposed zone change to "A-2" not take place thereby making it possible that after several years of attempting to solve the sewer problems we could now proceed with the sale and development.

Sincerely

Handwritten signature of Gordon Casey in black ink.

Gordon Casey

representing all property owners

2885 So. Main St.

S.L.C. Utah 84115

801-360-1020

From: James Defa <jimdefa@gmail.com>
Date: May 19, 2015 at 11:01:52 AM MDT
To: Steve Pastorik <steve.pastorik@wvc-ut.gov>
Subject: **Objection to ZT-3-2015 and GPZ-1-2015**

Steve

I am not sure the process, but I want to make sure I am on record with my objection to the implementation of these two zoning applications as they are currently written. It is my opinion both of these changes will have the net affect of significantly reduceing the value of our property located on 6400 West.

Thanks for your help in the past.

Jim Defa



Thu 5/7/2015 7:13 AM
Steve Lehman
Rezone Input

To Nichole Camac

You forwarded this message on 5/7/2015 9:30 AM.

Nichole,

I spoke with a Carol Ferguson who lives in Reunion Woods regarding the rezoning application.

She wanted it known that she is not opposed to the larger lots, but believes the home sizes and values are too great for people who want their children to live in the City.

I told her I would add her name to the list.

Steve Lehman, AICP
Current Planning Manager
Planning and Zoning Division
Community and Economic Development Department
West Valley City
3600 Constitution Blvd, #220
West Valley City, UT 84119
963-3311 Office
963-3559 Fax

West Valley City Planning and Zoning

I am writing to object to the zoning applications listed below.

Application No. ZT-3-2015

Application No. GPZ-1-2015

By allowing the city to rezone our families private property severally impacts the financial future for the property that has been in the family for over 51 years. I do not feel that the City has taken into consideration the impact it would have on the owners and their financial ability to care for elderly parents who reside on the properties. My father is on a fixed income, with health concerns. I feel the rezoning only limits what we, as a family would receive if the property has to be sold to provide the best care for him. I feel our family's farm has served the community and we as owners of that farm would like the ability to decide on the legacy that is left behind in the West Valley community. Your rezoning takes away our families decision to decide on that legacy.

Overall, I feel the amendment that would allow this to take place is not in the best interest of the citizens of neither West Valley City nor the property owners. Please reconsider your decision.

Sincerely,

Charlotte Brock Smith

Received
APR 30 2015

Brock Smith

To whom it may concern,

My name is Curtis Harris I own the property located at 5764 W Parkway Blvd. Parcel # 1423400038. I am writing to request that my parcel be excluded from the proposed zone changes. The proposal is changing my property from A to A2. I do not believe this is a good idea because of the following reasons.

1. The adjoining property East of my property is zoned commercial.
2. The adjoining property North of my property is zoned commercial apartments.
3. The mountain view corridor is proposed to run along the West side of my property.
4. 2700 S. (Parkway Blvd) runs along the South side of my property. This is a very busy road.
5. By changing the zoning I will not be able to sell 1 acre to potential commercial buyers.
6. I can not visualize anyone will want to build a nice home being surrounded by what I have listed above.

Thanks for taking this under consideration. If you have any questions I can be reached at 801-755-2303.

Thank you

A handwritten signature in blue ink, appearing to read 'Curtis Harris', with a long, sweeping horizontal stroke extending to the right.

Curtis Harris

West Valley City Planning and Zoning Commission

To Whom It May Concern,

I am writing in response to the following zoning application requests, No. ZT-3-2015 and No. GPZ-1-2015.

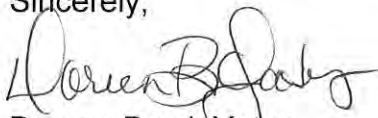
I have several concerns that I would like to have considered. Rezoning the property located at 3940 South 5200 West, would cause a financial hardship on the property owner due to the loss of property value if rezoned. He has farmed the property for many years, not to mention all the young people he has employed and taught the value of hard work with his produce business over the years. Through all these years he has retained the property for his retirement/medical care. Due to the rezoning he would face a major financial loss of which would impact the medical care he receives as he endures his current health challenges.

Additionally, the trend in new home building is not for bigger lots with large houses on them, but actually smaller lots with large houses on them. Most new home buyers are looking for smaller lots with less landscaping to have to maintain, which actually makes sense considering our historical and current water shortage. We should all be thinking of ways to conserve water and smaller lots is definitely a move in the right direction.

Looking to make the future bright for the property owners, the community and also West Valley City, I would encourage you to consider these concerns along with others whom have voiced concerns about the negative impact this rezoning would have on the property owners. With only about 3% of undeveloped property left in West Valley City, the property owners should be applauded not penalized for their willingness to hold onto their property and desire to have a say in how it is developed and not told how they will develop it.

I appreciate that you are willing to listen to our concerns and look forward with my father to the future and the desires he has for his property as you allow him to determine the best development for his property when that becomes necessary.

Sincerely,


Doreen Brock Yates

MAY 07 2015

BA

Dear Steve and Members of the Planning Commission,

I write in regards of the above-referenced property and the owners thereof. The subject property is currently 3.34 acres and zoned Agricultural. A boundary line adjustment has been prepared and will be filed shortly that will reduce the size of the lot. The size of the remaining parcel will remain at around 3 acres. As a representative of the Owners of this land, we request that the zone for this parcel remain unchanged.

Following are points of discussion regarding this specific parcel with concern of the City's goals:

- The lot already has a home on it and changing the zoning to a minimum 2-acre lot size would not allow the parcel to be subdivided for an overall net increase of larger homes within the City. If the lot size was more than 4 acres then the zone change would allow the land to be subdivided into the city-desired larger lot size.
- The City would not realize increased taxed revenue if additional home(s) are not allowed to be built when subdivided into one acre parcels.

Following are points of concern from the Owner's side:

- A zone change will limit potential future subdividing of this parcel.
- A boundary line adjustment will be filed shortly that will reduce the size of the remaining parcel.
- The land is currently on the market to be sold and a zone change will affect the value of the land.

Please feel free to contact me directly at evanfo@yahoo.com or 7753971282.

Thanks,
Evan Fonger

To the West Valley City Planning Commission & West Valley City Council:

Regarding the proposed Master Plan change and rezone affecting our agricultural property:

The adjacent Maple Meadows Estates property was developed with enhanced architecture requirements on mostly 8,000 square foot lots (the minimum size). It appears to have met its goal of giving residents a place to move up without moving out of the City. Given this apparent success on 8,000-13,000 square foot lots, we question whether there is sufficient value in rezoning to 'Residential Estates' such a tiny island of infill surrounded by such vastly smaller lots.

A neighbor on a 9,500 square foot corner lot of the Maple Meadows Estates subdivision is pleased with his 1,750 sf home. He moved into this stucco home from less than half a mile away when the new neighborhood was built. He considers the lot size to be ample. When asked if he would have preferred a larger lot, he exclaimed that the lawn area was already excessive.

Our dry climate will be a continuing challenge to an increasingly urban community. Large lots with extensive landscaping requirements seem to fly in the face of concerns about limited water resources, conservation and potential rationing. Rather than creating an irrigated park in every backyard, why not create a park near every neighborhood and minimize the irrigated land in each yard? While little original habitat exists within the boundaries of the City, a preference for native or xeric landscaping should be clearly stated in City standards. The City should encourage the planting of native habitat species such as rabbitbrush, penstemon, milkweed & Lewis flax in xeric plantings. The City has a chance to make an important dual statement regarding water use and urban habitat if it so chooses.

It also seems plainly unfair to put the requirement of all-large lot and all-large homes on the few remaining developable pieces of land. It seems better and fairer to require a minimum lot and house size similar to adjacent properties, with a certain percentage of 'enhanced' lot and house sizes, or some other balanced approach. Regarding the small islands of potential infill development, this current proposal feels ten to twenty years too late.

We certainly agree with the concept of building quality homes for families. We hope future homes built in the remaining space in our community will be considered permanent homes and not 'starter' homes. But the 'estate' approach as described feels misguided. We look forward to attending the meetings and learning some of the reasons for pursuing this approach. We also hope that our voice will be heard and that reason will prevail.



Fred Brock
4411 W 4415 S
West Valley City
84120

Community & Economic Development Dept.
3600 Constitution Blvd
WVC UT 84119-3720

To whom it may concern:

In response to the letter dated April 27, 2015 we voice the following concerns. These concerns involve the property located at 3940 South 5200 West.

Rezoning will severely restrict the current property owner's ability to develop the land in the way he chooses. It also restricts to whom he can sell the property. One thought of the property owner was an upscale senior retirement community. The proposed rezoning eliminates that possibility.

The rezoning could have a negative impact on the sale value of the property, while benefiting the developer whose infrastructure costs would be significantly reduced. This seems to harm the interests of the long time resident of West Valley City/Hunter, and is advantageous only to the developer.

Sincerely,

John & Jackie Betts

John & Jackie Betts
3920 S 5200 W
WVC UT 84120

Reed
APR 30 2015
[Signature]

May 12, 2015

Kim & Sharlene Henderson
4207 and 4209 W 3550 S
West Valley City UT 84120-3207

RECEIVED BY
MAY 12 2015
City Recorder's Office

Re: Objections to Application No. ZT-3-2015 to create the "Residential Estate" zone and No. GPZ-1-2015 to change the zoning and general plan designations of certain property to "A" or "A-2".

- A thorough hearing on the rezone of our property was just made in June 2014. At that time our zoning was changed from R-4 to RM (Mixed Use).
- We were very cooperative, compromising with the developer as well as the Planning Commission to keep our options open. We felt that we were given a fair and just hearing.
- We "gifted" property to the developer to the east so he could build his units.
- We granted an easement in the south-east corner for children to cross to get to the elementary school.
- Our property is a small piece which is surrounded by R-4 to R-1-8 and Commercial properties. *See Map*
- Our plan has always been to use it for investment property when we are ready to move on. Changing our zoning to single residential is financially unfair to our family.
- RM zoning allows us more options such as less dense multi-family apartments (up to 12 units per acre), offices, retail, daycare/pre-school services, or special need facilities (senior living, etc.).
- The City's plan is to limit the number of apartments. It is possible that the apartments to the north will someday be developed commercially which would significantly reduce the number of apartments in the area.

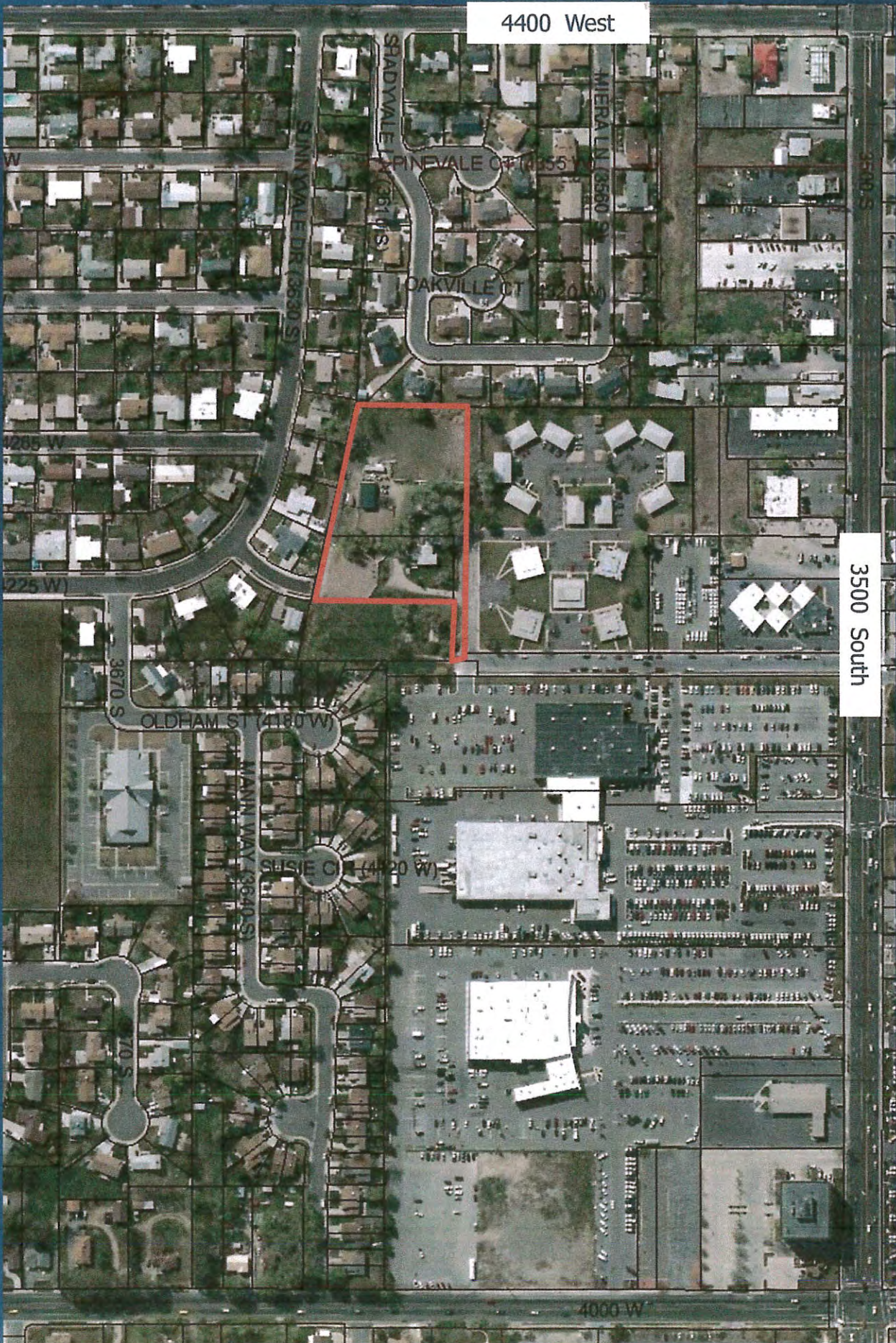
In conclusion, we would like you to stand by the decision that was made less than one year ago. We are requesting that you look at our situation individually and remove us from the list of property owners.

4400 West

3500 South

3545)

Z-2-2013 Petition by **WEST VALLEY CITY** requesting a **zone change** from 'R-4' (residential multi-family) to 'R-1-8' (single family residential, minimum lot size 8,000 square feet). The property is located at 4207 and 4209 3550 S on 2.5 acres. (Staff- **Steve Pastorik** at 801-963-



May 12, 2015

VIA EMAIL AND HAND DELIVERY:

West Valley City Planning Commission
C/O West Valley City Recorder
3600 South Constitution Blvd.
West Valley City, UT 84119

Re: Objection to Ordinance Text Change Application No. ZT-3-2015 and General Plan and Zoning Amendment Application No. GPZ-1-2015 submitted by West Valley City (the “City”) to the West Valley City Planning Commission (the “Commission”).

Dear West Valley Planning Commission:

Our firm represents Thomas J. and Jayleen H. Giovengo and Giovengo Properties, LLC (collectively, the “**Giovengos**”). We are writing in response to the letter and materials dated April 27, 2015 sent by City officials to the Giovengos regarding Ordinance Text Change Application No. ZT-3-2015 and General Plan and Zoning Amendment Application No. GPZ-1-2015 (each an “**Application**”, and collectively, the “**Applications**”). The Applications were submitted by the City’s staff (i.e., Mr. Steve Pastorik on behalf of the City, the “**Staff**”) to the Commission. The Applications do not make an reference to the impetus for the Staff’s Applications, nor do they suggest that Staff solicited any input from the numerous property owners affected by the Applications prior to their submission. We are writing to express the Giovengos’ opposition and objection to the text and zoning changes sought pursuant to the Applications and the inclusion of the Giovengo Parcel (defined below) in the proposed zone changes. We are also writing to inform the Commission as to the procedural deficiencies and significant lack of due diligence evidenced on the face of the Applications and the materials submitted by the Staff in support thereof.

I. The Commission Should Deny the Applications Because the Staff Failed to Satisfy the Procedural Requirements Established by the City for Zone Change Applications.

The Applications, submitted by the Staff to the Commission on April 15, 2015, seek the Commission’s recommendation to amend the City’s General Plan and Zoning Ordinance to create a new A-2 zone “identical to the A and A-1 zones in all respect and requirement, except for the minimum lot size.”¹ The proposed minimum lot size for the A-2 zone is 2 acres per lot.² The Applications also request the Commission’s recommendation to rezone 132 separate parcels within the City (collectively, the “**Affected Parcels**”), including an approximately 14.5 acre parcel owned by the Giovengos (the “**Giovengo Parcel**”), from their current zoning to A and A-2.

The City’s published application form for general plan and zoning amendments establishes clear requirements for such applications. Under the title “APPLICATION REQUIREMENTS” (the

¹ See Application No. ZT-3-2015.

² See Application No. ZT-3-2015.

“**Application Requirements**”), the City mandates that “[t]he current property owner **must be the applicant** but may designate an authorized agent to act in his behalf”.³ It is clear from the Applications that, except for a single approximately two acre parcel, the City neither owns the Affected Parcels nor has the consent of, let alone authority to act for, the owners of the Affected Parcels in seeking the recommendations sought by the Applications.

In fact, the Application Requirements require applicants to submit “[a] document verifying [their] proof of ownership” and the “legal description” of the property(ies) in question, with the comment that “[a]pplications with incomplete or inadequate information will not be accepted.”⁴ The Applications fail to include any documents verifying that the City owns any of the Affected Parcels (although the City does purport to own one of the 138 Affected Parcels), nor do they include the legal descriptions of the Affected Parcels.

That a City must abide by its mandatory ordinances is well settled in Utah law.⁵ Pursuant to its ordinances, the City has promulgated a process and form for general plan and zoning amendments that is mandatory in its terms. The Applications should be denied because the Staff has failed to meet the mandatory procedural requirements established by the City for the Applications to even be accepted for review by the Commission. For these reasons, the Applications should be rejected by the Commission as inappropriate, incomplete and non-compliant with the City’s mandated process.

II. The Commission Should Deny the Applications Because the Applications Fail to Provide Adequate Substantial Justification for the Changes Requested.

In addition to the procedural deficiencies identified above, the Staff fails to properly answer the queries posed on the application form. Namely, “What is the justification for the requested text changes [to the ordinance]?”⁶ and “For what reason(s) do you suggest the change [to the general plan and zoning ordinance]?”⁷ Pursuant to the instructions set forth on the applicable forms, question number 5 on the application form reads more specifically, as follows:

5. For what reason(s) do you suggest the change? The applicant is responsible for justifying the requested change to the General Plan and Zoning. Issues to be evaluated will include, but are not limited to:

- adopted goals and policies as expressed in West Valley City’s General Plan
- adjacent land uses -population served -transportation impacts
- public facilities (water, sewer, storm water, parks, schools, etc.)
- the type of use requested and reasons why this use should be on this site

The more information provided, the better the potential for understanding the applicant’s point of view. The Planning Commission will consider all information available in making their recommendation to the City Council.

³ See West Valley City Community & Economic Development Department, General Plan and Zoning Amendment Application, available at <http://www.wvc-ut.gov/DocumentCenter/View/731>.

⁴ See *id.*

⁵ See, e.g. § 10-9A-509(2).

⁶ See West Valley City Community & Economic Development Department, Ordinance Text Change Application, available at <http://www.wvc-ut.gov/DocumentCenter/View/738>

⁷ See General Plan and Zoning Amendment application, *supra* n.3.

In response to question number 5, and every other question posed on the application form, the Staff simply stated, "See Attached". Although "see attached" is not per se impermissible, it does in fact require that substantive materials be *actually* attached thereto. The Applications are void of any reasonable justification, study, report, or item demonstrating that responsible due diligence was conducted by the Staff before submitting the Applications, let alone materials meeting the substantive requirement set forth on the form of application that "there must be *significant, compelling evidence submitted* which would justify a change."⁸

A. Although materials were attached to the Applications, those materials do not include any facts, studies, reports, or other due diligence materials justifying a change to the City's three-year-old General Plan Update.

The Applications were not included in the April 27th letter sent to the Giovengos and other owners of the Affected Parcels, nor were they provided online via the Commission's Agenda for the May 13th meeting. In order to more thoroughly review the Applications and any materials attached thereto, we submitted a GRAMA Request for Records on behalf of the Giovengos on May 5, 2015 requesting "any and all exhibits, schedules, and any and all materials submitted with the Applications." In response to our request, Mr. Pastorik provided the materials submitted with the Applications (the "**Exhibits to the Applications**"), which are attached as **Exhibit "A"** hereto. The Exhibits to the Applications include: the proposed text changes to the zoning ordinance; a spreadsheet containing a brief description of the Affected Parcels, their record owners, parcel number and other information but no legal descriptions; an aerial map and plat map highlighting the Affected Parcels; a colored map titled "Value of Single Family Homes in Salt Lake County, 2011," likely taken from the University of Utah's David Eccles School of Business Bureau of Economic and Business Research report (the "**U of U Report**"); and a bulleted list titled "Talking Points for Housing Standards" (the "**Talking Points**"), which is a document that was likely created by Mr. Pastorik for the public hearing on Wednesday, May 13, 2015.⁹ The Applications and the Exhibits to the Applications are void of any staff report, impact study, economic study, feasibility study, or any other study or due diligence of any kind discussing the potential impact (if any) on the Affected Parcels, public facilities, adjacent land uses, transportation impacts, or the population served.

B. The Talking Points represent unsubstantiated opinion void of any evidence demonstrating any actual demand for the type of housing proposed.

The only document in the Exhibits to Applications that attempts to justify the recommendations sought by the Applications is the Talking Points document. According to the Talking Points, there is only 3% of the City's total geographic area left for residential use within the City. Moreover, while acknowledging that 22% of all single-family homes in the City are on lots over 10,000 square feet, heavy emphasis is laid on the fact that the City should "continue to concentrate on improving housing opportunities for higher income households" and that the City should have the goal of providing a "[v]ariety of housing for people of all different...incomes." Assuming, for sake of argument, that the various factual assertions in the Talking Points are accurate, the Talking Points fail to identify any correlating facts or data suggesting that actual market demand exists for high-end estate homes on two acre lots in the City, either

⁸ See *id.*

⁹ See Talking Points for Housing Standards, as contained in the Application Exhibits, found in Exhibit "A" attached hereto.

generally or specifically with respect to any of the Affected Parcels. Accordingly, the Talking Points (and all other Exhibits to the Applications) fail to provide “significant, compelling evidence” that an A-2 zone is necessary, and if necessary in theory, that any of the Affected Parcels should be re-zoned to the A and A-2 zone designations, particularly on a parcel-by-parcel basis.

In this regard, we note that the City’s current zoning ordinances *already allow* for larger lot development, as evidenced by the ordinance itself (i.e. the zoning ordinance establishes minimum lot sizes for single family residential zones, not maximums) and the U of U Report cited in the Talking Points, applicable pages of which have been included in **Exhibit “B”** attached hereto.¹⁰ In fact, the U of U Report indicates that the City has the third largest median lot size in the County; larger than Salt Lake City, West Jordan and Taylorsville. The U of U report further notes that the City already “allow[s] a wide range of residential densities, [and] in actual practice approved densities show that, in fact, high density single-family development may be limited.”¹¹ The U of U Report also demonstrates that assessed home values likely have far more to do with geographic proximity to the east bench of the Salt Lake Valley and to the relatively recent development of communities like South Jordan. Similarly, both the City’s “Vision 2020” and “Vision 2030” General Plans include data, findings, and goals that the City needs medium- to high-density zones to accommodate the increasing growth of the City and the trends in Salt Lake County focusing on “more flexib[le] Planned Unit Developments...which permit[] smaller lot sizes with a larger amount of community-shared open space”.¹² For example, the city’s Vision 2020 General Plan states:

[U]sing the Wasatch Front’s Regional Council 2020 population prediction, a density of 5-6 units/acre **will be needed** to ensure all [City] residents are able to find adequate housing. This would indicate that the single family home on an 8,000-10,000 square foot lot should be supplemented with more dense housing alternatives.¹³

Building on those principles, the City’s revised Vision 2030 General Plan Update also notes that there is a “growing interest in walkable neighborhoods”¹⁴ and that the City should encourage “density near transit stations...[to provide] some residents and families the opportunity to meet their daily needs without having to constantly rely on a private automobile”.¹⁵ The Applications are in direct contravention of these articulated plans, objectives and goals and fail to recognize the current realities of project urban growth and its attendant demands in the coming decades.

In short, without regard to the economic impacts on the owners of the Affected Parcels, the Applications advance a City promulgated *Field of Dreams* that dictates the development of large lots on the Affected Parcels to accommodate an undemonstrated market demand for such lots. Moreover, the Applications make no effort to discuss the appropriateness of such large-lot zoning or market demand on a parcel by parcel basis. Such broad brushed speculation should not be countenanced by the City, let alone advanced on the City’s own initiative and against the will of the owners of the Affected Parcels. Because the Applications fail to demonstrate an actual demand for the large lot zoning they seek to impose on the

¹⁰ See University of Utah Report, pages 19-22, which are attached to Exhibit “C” hereto.

¹¹ See *id.*

¹² See West Valley City General Plan: Vision 2020, page 29.

¹³ See *id.* page 44-45.

¹⁴ See West Valley City General Plan: Vision 2030, page 12.

¹⁵ See *id.* page 28.

Giovangos and the other owners of the Affected Parcels, the Applications fail to provide the compelling justification required by the Application Requirements.

C. The Giovengo Parcel is identified in the City's General Plan Update as appropriate for medium to high-density, and absent compelling justification should remain as such.

Pursuant to the City's Vision 2030 General Plan Update, the Giovengo Parcel (located at approximately 3800-3900 South 5600 West) is located within an "opportunity area" known as "5600 West and the Mountain View Corridor",¹⁶ and as such, has been specifically designated from "3670 South to 3855 South" to be zoned "a residential office mixed use zone...on the west side of the street" and from "3855 South to 4100 South" to be zoned "small lot residential on the west side of 5600 West to approximately 3965 South"—both higher-density zones than the proposed A-2 zone advanced by the Applications. The zoning recommended by the Vision 2030 General Plan should not be modified without substantial justification, and considering the failure of the Applications to include "significant, compelling evidence...which would justify a change," the Applications should be denied with respect to the Giovengo Parcel specifically.

III. Conclusion

For the reasons stated herein, the Giovengos respectfully request that the Commission reject the Applications for substantive consideration by reason of the failure of the Applications to satisfy the City's own procedural requirements for such Applications. If the Commission elects to consider the Applications on a substantive basis, we ask the Commission to recommend denial of the Applications and exclude the Giovengo Parcel from any rezoning because the Applications fail to meet the substantive burdens required of the applicant—namely, the submission of "significant, compelling evidence . . . which would justify a change."

Even if the Commission or the City does not view the requirements set forth in the application forms as binding on the City, the Giovengo's respectfully submit that the Commission should seriously consider whether changes as significant as those proposed by the Applications should receive a positive recommendation without the benefit of the analysis and substantive justification required of every other applicant that comes before the Commission. For the Giovengos, and we suspect a large number of the other owners, the Affected Parcels represent, as applicable, the most significant asset they have in their personal portfolios. To have the value of those assets so significantly affected by an unsubstantiated and poorly reasoned proposal would belie the trust the citizens of your City place in you.

Very truly yours,



PARR BROWN GEE & LOVELESS
Robert A. McConnell, Esq.

¹⁶ See *id.* page 34.

EXHIBIT "A"
TO
LETTER TO WEST VALLEY CITY PLANNING COMMISSION

Exhibits to Applications

(see attached)



WEST VALLEY CITY
Early • Pride • Progress

COMMUNITY & ECONOMIC DEVELOPMENT
DEPARTMENT

General Plan and Zoning Amendment Application

for property located at:

SEE ATTACHED LIST

FEE: \$700.00 + \$50.00 for each acre over 10

Date APRIL 15, 2015

Application # GPZ-1-2015

* Property Owner SEE ATTACHED LIST

Phone _____

Mailing Address SEE ATTACHED LIST

Zip _____

Developer/Agent WEST VALLEY CITY (STEVE PASTORIK)

Phone 801-963-3282

Mailing Address 3600 S CONSTITUTION BLVD. WVC, UT

Zip 84119

E-mail Address STEVE.PASTORIK@WVC-UT.GOV

LEGAL DESCRIPTION: Please Attach

TOTAL AREA - Acres or Square Feet: SEE ATTACHED LIST Parcel (sidwell) # SEE ATTACHED LIST

Please attach a letter addressing the following. Plans required by Planning and Zoning must be submitted digitally as well as on 24 inch x 36 inch paper::

1. What is the current West Valley City General Plan classification?
2. What is the current West Valley City Zoning classification?
3. What is the requested change to the General Plan classification?
4. What is the requested change to the Zoning classification?
5. For what reason(s) do you suggest the change? The applicant is responsible for justifying the requested change to the General Plan and Zoning. Issues to be evaluated will include, but are not limited to:
 - adopted goals and policies as expressed in West Valley City's General Plan
 - adjacent land uses
 - population served
 - transportation impacts
 - public facilities (water, sewer, storm water, parks, schools, etc.)
 - the type of use requested and reasons why this use should be on this site

} SEE ATTACHED LIST

SEE ATTACHED

The more information provided, the better the potential for understanding the applicant's point of view. The Planning Commission will consider all information available in making their recommendation to the City Council.

* Current property owner must sign application (see back/next page)

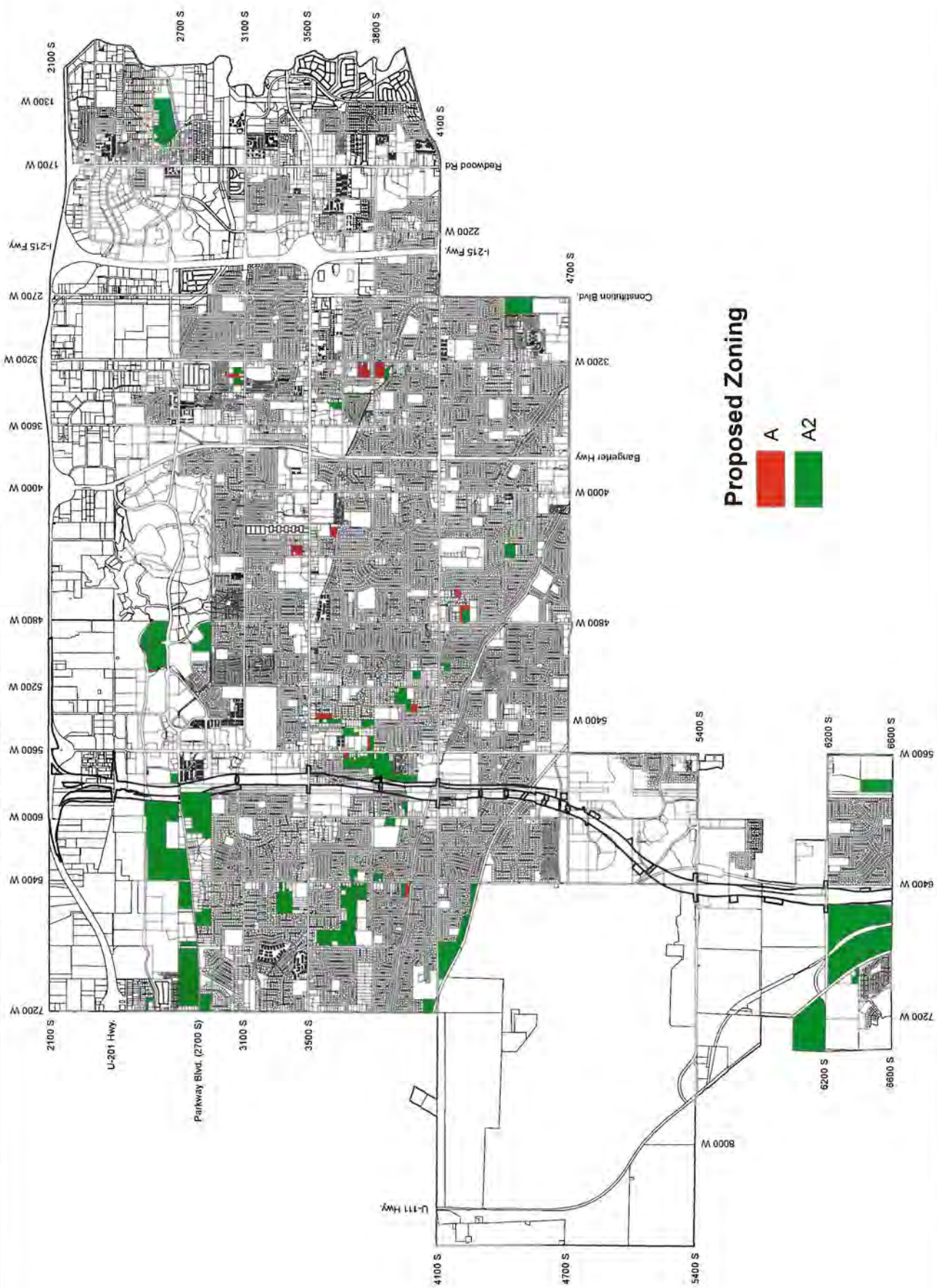
01/12/20099

3600 Constitution Boulevard, Room 240, West Valley City, UT 84119-3720
Telephone 801.963.3312 • Facsimile 801.963.3559 • <http://www.wvc-ut.gov>

Parcel #	Acres	Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Property Address	Current Zone	Proposed Zone	Current General Plan	Proposed General Plan
1422351004	2.08	CONNIE & DARRELL DAVIS	2557 S 7200 W	MAGNA	UT	84044-1462	2557 S 7200 W	A	A-2	Large Lot Residential	Large Lot Residential
1423300011	2.36	MARTIN, ALICE	4646 W 5215 S	KEARNS	UT	84118-5736	6002 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1423300012	11.71	DRP MANAGEMENT, INC	2885 S MAIN ST	SALT LAKE CITY	UT	84115-3545	6301 W 2575 S	A-1	A-2	Rural Residential	Rural Residential
1423300013	4.91	DRP MANAGEMENT, INC	2885 S MAIN ST	SALT LAKE CITY	UT	84115-3545	6301 W 2609 S	A-1	A-2	Rural Residential	Rural Residential
1423300017	21.19	DRP MANAGEMENT, INC ET AL	2885 S MAIN ST	SALT LAKE CITY	UT	84115	6290 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1423400038	2.92	HARRIS, CURTIS	5764 W PARKWAY BLVD	WEST VALLEY	UT	84128-1139	5764 W PARKWAY BLVD	A	A-2	Medium Density Residential	Large Lot Residential
1423400034	44.43	ICO MULTIFAMILY HOLDINGS, LLC	978 E WOODOAK LN	MURRAY	UT	84117-7265	5886 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1424400008	5.60	SUBURBAN LAND RESERVE, INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	5139 W ENGLAND CT	M	A-2	Mixed Use	Large Lot Residential
1424451002	16.14	SUBURBAN LAND RESERVE, INC.	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2819 S 5600 W	M	A-2	Mixed Use	Large Lot Residential
1424451003	3.38	SUBURBAN LAND RESERVE, INC.	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2549 S 5600 W	M	A-2	Mixed Use	Large Lot Residential
1424451004	1.08	SUBURBAN LAND RESERVE, INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2549 S 5600 W	M	A	Mixed Use	Large Lot Residential
1424746003	13.67	SUBURBAN LAND RESERVE INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2722 S CORPORATE PARK DR	M	A-2	Mixed Use	Large Lot Residential
1425226026	14.02	SUBURBAN LAND RESERVE, INC	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	2856 S CORPORATE PARK DR	R-1-8	A-2	Mixed Use	Large Lot Residential
1426101007	11.31	DRP MANAGEMENT & RINDLESBACH, KEN W	2885 S MAIN ST	SOUTH SALT LAKE	UT	84115	6290 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1426127027	6.21	TONY & KAREN JACKETTA	2794 S 6100 W	WEST VALLEY	UT	84128-1192	6087 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1426127029	7.65	HARDCASTLE, ROSALE J	10551 S HIGHLINE CIR	SOUTH JORDAN	UT	84095-8679	6087 W PARKWAY BLVD	A	A-2	Rural Residential	Rural Residential
1426201005	29.14	UTAH DEPARTMENT OF TRANSPORTATION	PO BOX 148420	SALT LAKE CITY	UT	84114-8420	5901 W PARKWAY BLVD	R-1-10	A-2	Low Density Residential	Large Lot Residential
1427100007	4.85	MANSFIELD, THOMAS M	2753 S 7200 W	MAGNA	UT	84044-1427	7148 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100008	2.12	JAY R & NORMA L NICHOLS	7140 W 2820 S	WEST VALLEY	UT	84128	7140 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100009	2.10	JENSEN, STEVE R	7128 W 2820 S	WEST VALLEY	UT	84128	7128 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100014	2.47	MINGSISOUHPANH, DOUANGPHANETH	6994 W PARKWAY BLVD	WEST VALLEY	UT	84128-1163	6994 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100015	2.26	GROW, CHRISTINE C	5018 W CHERY VIEW DR	WEST VALLEY	UT	84120-5706	6980 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100016	2.29	MILLER, MICHAEL G	1202 S 300 W	SALT LAKE CITY	UT	84101-3047	6960 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100020	2.92	LYDD K & SANDRA H MULLINS	6870 W 2820 S	WEST VALLEY	UT	84128	6870 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100025	2.99	DAVID & CINDY MCCLEVE	3183 S GEORGE PL	MAGNA	UT	84044-2162	7026 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100028	2.15	WILKIN, PAUL G	6810 W 2820 S	WEST VALLEY	UT	84128	6844 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100029	2.13	WILKIN, PAUL	6810 W 2820 S # ST	WEST VALLEY	UT	84128	6824 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100030	2.09	HOUSTON, WESLEY L	7088 W PARKWAY BLVD	WEST VALLEY	UT	84128-1165	7088 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100031	2.07	JOHN R & NANCY LINDSLEY	7060 W 2820 S	WEST VALLEY	UT	84128	7060 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100032	2.02	VERL L & ROBERT W MEADS	7042 W PARKWAY BLVD	WEST VALLEY	UT	84128-1165	7042 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100033	2.03	MICHAEL A & KAREN J STARKS	6924 W PARKWAY BLVD	WEST VALLEY	UT	84128-1163	6924 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100035	2.10	LARRY K & JOAN S NEWMAN	6940 W 2820 S	WEST VALLEY	UT	84128	6940 W 2820 S	A-1	A-2	Rural Residential	Rural Residential
1427100036	2.03	ALLEN R & NANCY M LLOYD	6910 W PARKWAY BLVD	WEST VALLEY	UT	84128-1163	6910 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100037	3.11	SMITH, BLAINE D	6888 W PARKWAY BLVD	WEST VALLEY	UT	84128-1161	6888 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100041	2.21	WAT LAO SALT LAKE BUDDHARAM INC	7010 W PARKWAY BLVD	WEST VALLEY	UT	84128-1165	7010 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427100041	6.83	CORP OF PB OF CH IC OF LDS	50 E NORTHEMPLE # FL-22	SALT LAKE CITY	UT	84150	6977 W PARKWAY BLVD	A	A-2	Large Lot Residential	Large Lot Residential
1427200017	5.03	TERRY L & DIANNE WEST	6686 W HUNTER CREST CIR	WEST VALLEY	UT	84128-1228	6645 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427200018	4.20	TERRY L & DIANNE WEST	6686 W HUNTER CREST CIR	WEST VALLEY	UT	84128-1228	6609 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427200030	2.45	ELAYNE S & JAY D WILLIAMS	6776 W PARKWAY BLVD	WEST VALLEY	UT	84128-1159	6776 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427226001	2.77	NATHAN & CARRIE JENSEN	6594 W PARKWAY BLVD	WEST VALLEY	UT	84128-1155	6594 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427226002	2.05	THOMAS C & KAREN J COON	6520 W PARKWAY BLVD	WEST VALLEY	UT	84128-1155	6520 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427226005	3.77	KETCHUM, JOHN C	6426 W PARKWAY BLVD	WEST VALLEY	UT	84128	6490 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427226007	4.73	KETCHUM, JOHN C	6426 W PARKWAY BLVD	WEST VALLEY	UT	84128	6426 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential
1427476002	5.63	APOSHIAN, LAWRENCE B	6570 W 3500 S	WEST VALLEY	UT	84128-2410	6570 W 3500 S	A	A-2	Low Density Residential	Large Lot Residential
1427476013	4.62	CURTIS D & LORRAINE HAVILAND	3348 S 6400 W	WEST VALLEY	UT	84128-1333	3348 S 6400 W	A	A-2	Low Density Residential	Large Lot Residential

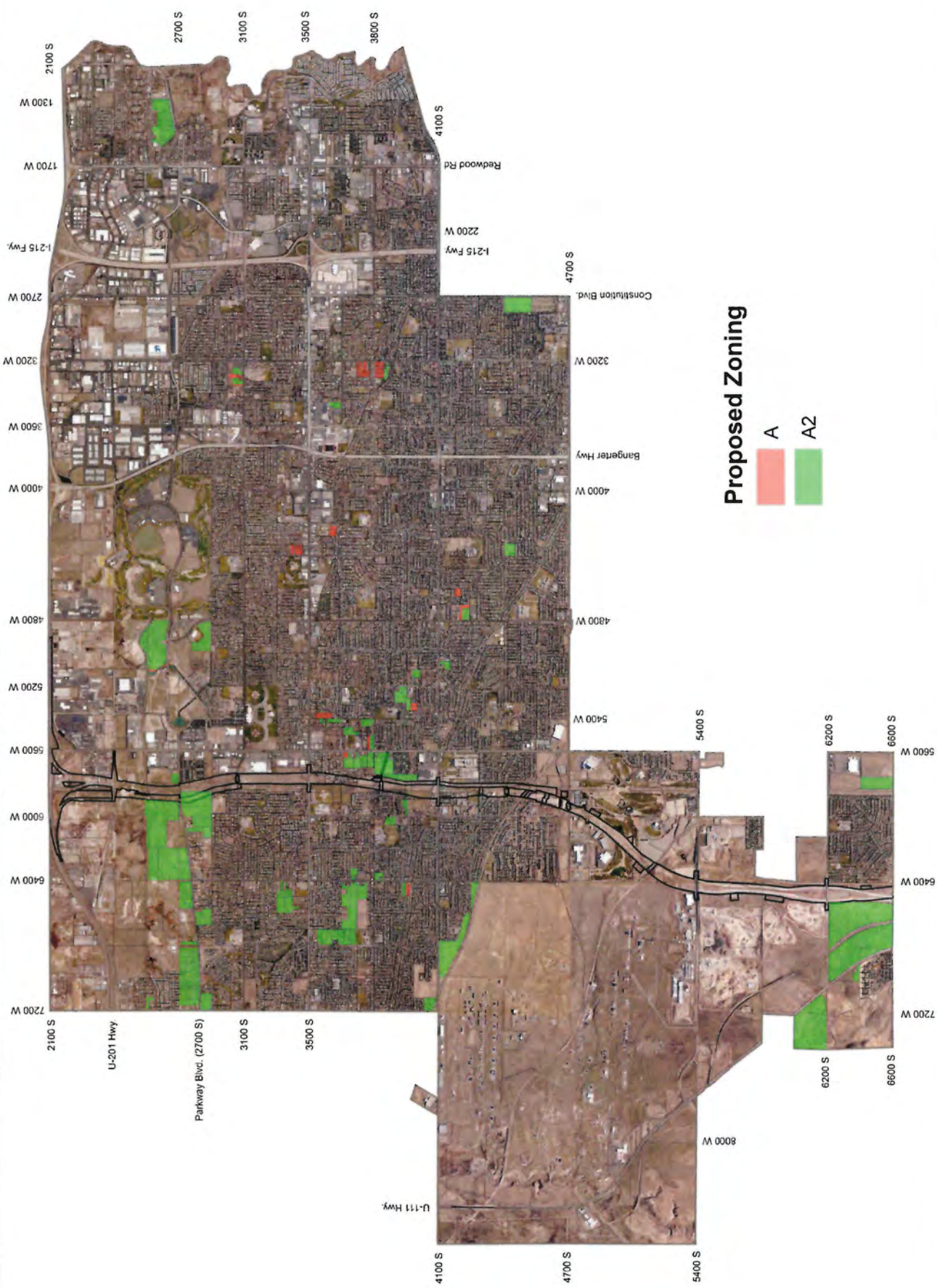
Parcel #	Acres	Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Property Address	Current Zone	Proposed Zone	Current General Plan	Proposed General Plan
1427476027	5.80	L THAD & JUDITH M BANGSTER	3306 S 6800 W	WEST VALLEY	UT	84128-1333	3318 S 6536 W	A	A-2	Low Density Residential	Large Lot Residential
1434201004	2.79	JUDY F & J THOMAS PEARCE	3525 S 6800 W	WEST VALLEY	UT	84128-2341	3539 S 6800 W	A	A-2	Large Lot Residential	Large Lot Residential
1434201023	2.52	J THOMAS & JUDY PEARCE	3525 S 6800 W	WEST VALLEY	UT	84128-2341	3525 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434201024	2.85	JUDY F & J THOMAS PEARCE	3525 S 6800 W	WEST VALLEY	UT	84128-2341	3525 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434201026	7.23	FEULNER, VERLYNN	PO BOX 701497	WEST VALLEY	UT	84170-1497	3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434251008	2.90	FEULNER, SCOTT	3621 S 6800 W	WEST VALLEY	UT	84128-3419	3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434251009	3.26	FEULNER, SCOTT	3621 S 6800 W	WEST VALLEY	UT	84128-3419	3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential
1434276045	5.27	MILDRED L & RIMOLDI DEFA	905 S MILITARY DR	SALT LAKE CITY	UT	84108-1325	3764 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential
1434276049	6.28	SDF PROPERTIES, LLC	2201 W 700 S	LEHI	UT	84043	3754 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential
1434276062	6.37	NEWTON INVESTMENTS, LLC	PO BOX 587	SALT LAKE CITY	UT	84020	3702 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential
1434354008	11.08	SDF PROPERTIES, LLC	3665 S 6580 W	WEST VALLEY	UT	84128-2461	3668 S 6580 W	A	A-2	Low Density Residential	Large Lot Residential
1434354009	3.01	STEWART, DONALD J	4053 S 7200 W	WEST VALLEY	UT	84044-2633	4053 S 7200 W	A	A-2	Low Density Residential	Large Lot Residential
1434354010	2.18	CITY OF WEST VALLEY	3600 S CONSTITUTION BLVD	WEST VALLEY	UT	84119-3700	4063 S 7200 W	A	A-2	Low Density Residential	Large Lot Residential
1434430011	2.03	JAMES D & MARIE F WHITMORE	3940 S 6400 W	WEST VALLEY	UT	84128-7004	3940 S 6400 W	R-1-8	A	Low Density Residential	Large Lot Residential
1434430014	1.44	JOHN W & LINDA L MADDOCKS	3950 S 6400 W	WEST VALLEY	UT	84128-7004	3950 S 6400 W	R-1-6	A	Low Density Residential	Large Lot Residential
1435151044	0.85	WAYMAN, ROBERT L	5914 W ZINA CIR	WEST VALLEY	UT	84128-2669	3984 S 6400 W	R-1-6	A	Low Density Residential	Large Lot Residential
1435279037	2.62	SHORES, SANDRA K	3701 S 6400 W	WEST VALLEY	UT	84128-3537	3701 S 6400 W	R-1-8	A	Low Density Residential	Large Lot Residential
1435279042	2.94	IVORY DEVELOPMENT, LLC	978 E WOODOAK LN	MURRAY	UT	84117-7265	3723 S 5600 W	A	A-2	Residential Office	Large Lot Residential
1435279057	3.49	IVORY DEVELOPMENT, LLC	978 E WOODOAK LN	MURRAY	UT	84117-7265	3784 S 5600 W	A	A-2	Residential Office	Large Lot Residential
1435279058	0.90	EVAN T & MARLENE DOXEY	3690 S 5600 W	WEST VALLEY	UT	84120-2736	3672 S 5600 W	R-1-8	A	Residential Office	Large Lot Residential
1435279061	4.50	EVANS T & MARLENE DOXEY	3690 S 5600 W	WEST VALLEY	UT	84120-2736	3672 S 5600 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1435301028	3.35	UTAH DEPARTMENT OF TRANSPORTATION	PO BOX 148420	SALT LAKE CITY	UT	84114-8420	3732 S 5600 W	R-1-10	A-2	Residential Office	Large Lot Residential
1435326035	2.37	BILLIE N & SHIRLEY E BURKE	3801 S 8400 W	WEST VALLEY	UT	84128-7002	3801 S 8400 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1435403026	3.11	W EUGENE & PATRICIA A WILKINS	3206 E BONVIEW DR	SALT LAKE CITY	UT	84109-3704	3876 S 6000 W	A	A-2	Low Density Residential	Large Lot Residential
1435428014	2.46	ROBINSON, RANDY E, ET AL	10301 S 2840 W	SOUTH JORDAN	UT	84095-3101	3971 S 6000 W	A	A-2	Low Density Residential	Large Lot Residential
1436126003	7.32	UTAH DEPARTMENT OF TRANSPORTATION	PO BOX 148420	SALT LAKE CITY	UT	84114-8420	5734 W 3980 S	A	A-2	Low Density Residential	Large Lot Residential
1436126004	14.56	GIOVENGO PROPERTIES, LLC	2804 E 1190 S	ST GEORGE	UT	84790	3846 S 5600 W	A	A-2	Residential Office	Large Lot Residential
1436126005	3.00	E VERN & MABLE R BREEZE	3555 S 5450 W	WEST VALLEY	UT	84120-2725	3555 S 5450 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1436126006	1.91	CAROLYN & ALLAN B JONES	2608 S LINCOLN ST	SALT LAKE CITY	UT	84106-2216	5385 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1436151012	1.31	KAREN W & CLARE A HALLADAY	5371 W 3500 S	WEST VALLEY	UT	84120-2703	5371 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1436151013	1.38	HARPER, MICHAEL C	3775 S 5600 W	WEST VALLEY	UT	84120-2737	3775 S 5600 W	R-1-8	A	Residential Office	Large Lot Residential
1436151015	2.31	PECK, MARIA I	3795 S 5600 W	WEST VALLEY	UT	84120-2737	3795 S 5600 W	R-1-8	A-2	Residential Office	Large Lot Residential
1436151016	3.64	EVANS, GUILA A	3716 S 5450 W	WEST VALLEY	UT	84120-2730	3702 S 5450 W	A	A-2	Rural Residential	Rural Residential
1436152004	3.24	FRED R & ELIZABETH E FONGER	3791 S 5450 W	WEST VALLEY	UT	84120-2729	3755 S 5450 W	A	A-2	Rural Residential	Rural Residential
1436328032	8.78	BROCK, DOUGLAS G	3940 S 5200 W	WEST VALLEY	UT	84120-4436	3940 S 5200 W	A	A-2	Low Density Residential	Large Lot Residential
1436377012	1.05	BROCK, DOUGLAS G	3940 S 5200 W	WEST VALLEY	UT	84120-4436	3940 S 5200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1436377023	0.78	REDD, STEWART	5278 W 3990 S	WEST VALLEY	UT	84120-4430	5278 W 3990 S	R-1-8	A	Low Density Residential	Large Lot Residential
1436451071	2.54	CORP OF PB OF CH JC OF LDS	50 E NORTHTEMPLE ST #2225	SALT LAKE CITY	UT	84150-0022	5065 W JANETTE AVE	A	A-2	Low Density Residential	Large Lot Residential
1522457005	5.82	TONGAN UNITED METHODIST CHURCH OF SALT LAKE	PO BOX 271026	SALT LAKE CITY	UT	84127-1026	1485 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522457008	7.33	QIATER DAY COMMUNICATIONS CORP	434 W BEARCAT DR	SOUTH SALT LAKE	UT	84115-2520	1493 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522476016	3.89	LATTER DAY CHURCH OF CHRIST	20 W CENTURY PARK WY	SOUTH SALT LAKE	UT	84115-3508	1415 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522476018	3.88	LATTER DAY CHURCH OF CHRIST	20 W CENTURY PARK WY	SOUTH SALT LAKE	UT	84115-3508	1401 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1522476020	8.60	LATTER DAY CHURCH OF CHRIST	53 W ANGEL AVE	SOUTH SALT LAKE	UT	84115-3719	1363 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
1529276009	0.65	OUTSON, SPENCER	3336 W 3100 S	WEST VALLEY	UT	84119-1720	3320 W 3100 S	R-1-8	A	Low Density Residential	Large Lot Residential
1529276015	2.10	BRUNDLE, DAVID W	3264 W 3100 S	WEST VALLEY	UT	84119-1718	3264 W 3100 S	R-1-8	A-2	Low Density Residential	Large Lot Residential

Parcel #	Acres	Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Property Address	Current Zone	Proposed Zone	Current General Plan	Proposed General Plan
1529276020	2.12	DUTSON, SPENCER E	3336 W 3100 S	WEST VALLEY	UT	84119-1720	3336 W 3100 S	R-1-8	A-2	Low Density Residential	Large Lot Residential
1529276030	1.83	NELSON R & JOYCE SOMMERS	3278 W 3100 S	WEST VALLEY	UT	84119-1718	3278 W 3100 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451011	0.94	R TODD & VICKI L INMANN	5242 W CHESTER RD	WEST VALLEY	UT	84120-7909	3455 S 4400 W	R-1-8	A	Low Density Residential	Large Lot Residential
1530451013	0.96	YU RENTAL PROPERTIES III, LLC,	14846 S MANILLA DR	DRAPER	UT	84020-5186	3451 S 4400 W	R-1-8	A	Low Density Residential	Large Lot Residential
1530451029	0.59	KUN CHA & HYOK HWAN O	8686 S 2200 W	WEST JORDAN	UT	84088-9344	4358 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451030	0.54	AGUILAR, ZFANN	3692 S SUNNYVALE DR	WEST VALLEY	UT	84120-3125	4344 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451035	0.53	NGUYEN, ANH	3723 W SPRINGS WATER DR	WEST VALLEY	UT	84120-3365	4340 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1530451037	0.59	YU RENTAL PROPERTIES III, LLC	14846 S MANILLA DR	DRAPER	UT	84020-5186	4368 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
1531204014	0.84	KIM E & SHARLENE O HENDERSON	4209 W 3550 S	WEST VALLEY	UT	84120-3207	4207 W 3550 S	R-4-8.5	A	Mixed Use	Large Lot Residential
1531204042	1.73	KIM E & SHARLENE O HENDERSON	4209 W 3550 S	WEST VALLEY	UT	84120-3207	4209 W 3550 S	R-4-8.5	A	Mixed Use	Large Lot Residential
1532701066	2.78	ENGEL, DANNY LEE	3610 S 3440 W	WEST VALLEY	UT	84119-2574	3470 W 3650 S	R-1-8	A-2	Low Density Residential	Large Lot Residential
15327278034	1.15	NEWMAN, ALFRED J	3724 S 3200 W	WEST VALLEY	UT	84119-3536	3724 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
15327278035	1.14	HAN, EUGENE	115 W 9000 S	SANDY	UT	84070-2004	3732 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
15327278037	0.61	IVORY DEVELOPMENT, LLC	978 E WOODDALE LN	MURRAY	UT	84117-7265	3750 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
15327278038	0.66	BARNEY, MARGARET	976 E KENSINGTON AVE	SALT LAKE CITY	UT	84105-2314	3760 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
15327278039	0.58	QUIJANO, UBALDO O	3764 S 3200 W	WEST VALLEY	UT	84119-3536	3764 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
15327278050	0.99	HAN, EUGENE	115 W 9000 S	SANDY	UT	84070-2004	3736 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
15327278053	1.02	JUSTIN & JAMIE AAGARD	3282 W 3800 S	WEST VALLEY	UT	84119-4429	3282 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427006	0.85	DANIEL L & JANNIFER D MCLAUGHLIN	1134 CAMAS ST	BLACKFOOT	ID	83221	3309 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427007	0.87	TOD L & S. JT BUCKNER	3287 W 3800 S	WEST VALLEY	UT	84119-4428	3287 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427008	0.88	CLAUSON, VERNON G	1818 PRIMROSE DR	NAMPA	ID	83686-8588	3271 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427009	0.66	CARLOS I AMAYA & MARIA C JOYA	3255 W 3800 S	WEST VALLEY	UT	84119-4428	3255 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
1532427013	2.15	DALLAS & HEIDI ROBERTS JT	3876 S 3200 W	SALT LAKE CITY	UT	84116-3325	3876 S 3200 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
1532427014	0.69	BRADFORD, BRYAN C	3816 S 3200 W	WEST VALLEY	UT	84119-4433	3816 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532427015	0.78	MARTINEZ, ROSA R	3826 S 3200 W	WEST VALLEY	UT	84119-4433	3826 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
1532427022	1.10	STEVEN G & MARIA L WILLIAMSON	2476 W 7420 S	WEST JORDAN	UT	84084-3135	3237 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
2001203017	2.45	RUSHTON, LEWIS J III	5077 W 4100 S	WEST VALLEY	UT	84120-4750	5057 W 4100 S	A	A-2	Low Density Residential	Large Lot Residential
2010400094002	31.14	ALLIANT TECHSYSTEMS INC	7480 FLYING CLOUD DR	MINNEAPOLIS	MN	55344-3720	4798 S 6400 W	A	A-2	Heavy Manufacturing	Large Lot Residential
2015351002	11.75	ALLIANT TECHSYSTEMS INC	7480 FLYING CLOUD DR	EDEN PRAIRIE	MN	55344-3720	6152 S U-111 HWY	A	A-2	Light Manufacturing	Large Lot Residential
2016400023	43.46	ALLIANT TECHSYSTEMS, INC	7480 FLYING CLOUD DR	EDEN PRAIRIE	MN	55344	6002 S UONE ELEVEN HWY	A	A-2	Light Manufacturing	Large Lot Residential
20221260024001	61.66	DESERET TITLE HOLDING CORP	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	7011 W 6200 S	R-1-10	A-2	Commercial Light Manufacturing	Large Lot Residential
2022127001	2.97	ALPHA COMMUNICATIONS SITES INC	1202 S 300 W	SALT LAKE CITY	UT	84101-3047	6394 S UONE ELEVEN HWY	A-1	A-2	Low Density Residential	Large Lot Residential
2022176001	5.85	ALMA E & ETHEL B RUSHTON FAMILY PARTNERSHIP	5491 W 4100 S	WEST VALLEY	UT	84120-4627	6420 S U-111 HWY	R-1-10	A-2	Commercial Light Manufacturing	Large Lot Residential
20222000104001	66.38	DESERET TITLE HOLDING CORP	PO BOX 511196	SALT LAKE CITY	UT	84151-1196	6511 W 6200 S	R-1-10	A-2	Commercial Light Manufacturing	Large Lot Residential
20232000204001	14.57	PROPERTY RESERVE INC	PO BOX 511196	SALT LAKE CITY	UT	84151	6500 S 5600 W	RM	A-2	Mixed Use	Large Lot Residential
2104329015	15.64	DON R PARKER PROPERTIES LLC	2885 S MAIN ST	SOUTH SALT LAKE	UT	84115-3545	4500 S CONSTITUTION BLVD	A	A-2	Residential Office	Non-Retail Commercial
2106104005	0.54	CONDIE PROPERTIES LC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4732 W 4175 S	R-1-8	A	Low Density Residential	Large Lot Residential
2106104018	3.38	CONDIE PROPERTIES LLC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4221 S 4800 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
2106104027	1.94	CONDIE, G PHILLIPS	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4625 W 4100 S	R-1-8	A	Low Density Residential	Large Lot Residential
2106104028	1.11	CONDIE PROPERTIES, LLC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4625 W 4100 S	R-1-8	A	Low Density Residential	Large Lot Residential
2106104039	0.92	CONDIE PROPERTIES, LC	4625 W 4100 S	WEST VALLEY	UT	84120-4945	4195 S 4800 W	R-1-8	A	Low Density Residential	Large Lot Residential
2106401004	5.02	ANITA E & ALAN F BROCK	4411 W 4415 S	WEST VALLEY	UT	84120-5012	4435 S 4400 W	A	A-2	Low Density Residential	Large Lot Residential



Proposed Zoning

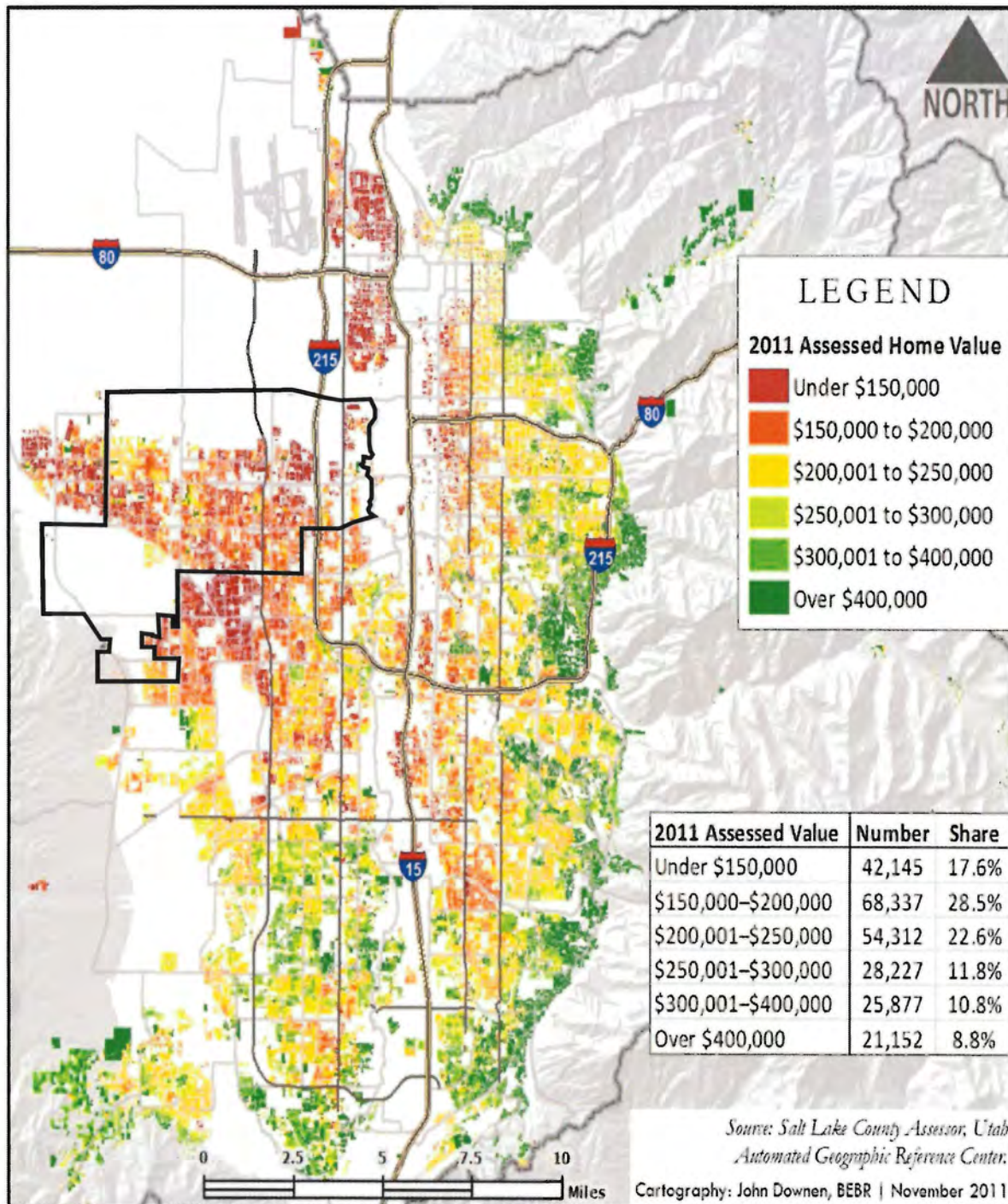
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Proposed Zoning

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- A2

Value of Single Family Homes in Salt Lake County, 2011



Talking Points for Housing Standards

- Of the 27,000 single family homes in the City, only 22% are on lots that are 10,000 SF or larger and less than 10% are on lots that are 12,000 SF or larger.
- Over half (56%) of all single family homes in the City were built prior to the City's incorporation in 1980. Following incorporation, 12% were built in the 1980's, 17% during the 1990's, 13% during the 2000's and about 2% since 2010.
- There are about 750 acres of property in the City that are planned for residential use, vacant and not currently entitled for residential development. This amount represents only 3% of the total area within the City.
- According to the U.S. Census Bureau, the 2013 median value of owner-occupied units in Salt Lake County (\$232,100) was 36% higher than the median value in West Valley City (\$170,100).
- According to the U.S. Census Bureau, the City has a wide variety of housing options, especially when compared with other cities within Salt Lake County as seen in the table below.

Housing Type	West Valley City % of Total Housing Units	Draper % of Total Housing Units	South Jordan % of Total Housing Units	Sandy % of Total Housing Units
Single family detached	66.1%	76.1%	79.1%	79.3%
Townhomes	5.2%	10.7%	8.7%	4.3%
Duplexes	4.1%	0.7%	0.6%	1.1%
Apartments/condos	18.7%	12.3%	11.3%	12.5%
Mobile homes	6.0%	0.1%	0.2%	2.7%

- According to the Regional Analysis of Impediments to Fair Housing Choice for Salt Lake County prepared by the Bureau of Economic and Business Research, West Valley City has 11 percent of the households within Salt Lake County but only 1.1% of the homes priced above \$250,000. A home priced at \$250,000 or more is affordable to those households with at least a median income level. The same analysis recommended that the City "continue to concentrate on improving housing opportunities for higher income households." Census data shows that the 2013 median income in Salt Lake County is \$60,555. According to the same Census data, nearly 30% of West Valley households earn \$75,000 or more, which is well in excess of the median. In other words, 30% of West Valley households (about 11,000) could afford a home priced well above \$250,000. Assuming the remaining 750 acres of land developed at a density of 2.5 units/acre with homes priced over \$250,000, the result would be 1,875 homes.
- Nearly 14% of all of the tax credit rental units within Salt Lake County are located in West Valley City. This percentage is substantially higher than other municipalities like Taylorsville (3.6%), Murray (6.7%), Sandy (2.4%) and Draper (0.9%).
- Over half of all housing units within West Valley City are affordable to moderate income households (those earning 80% of the County median income).
- The City's General Plan includes the goal of providing "a variety of housing for people of different ages, incomes and ethnicities." Even with the great strides we've made as a city, it's clear that we have a gap in our goal of providing housing for all. Given the relatively little land remaining, we need to seize the opportunity to provide higher end housing.



WEST VALLEY CITY
Unity • Pride • Progress

COMMUNITY & ECONOMIC DEVELOPMENT
DEPARTMENT

Ordinance Text Change Application

FEE: \$250.00

Date APRIL 15, 2015

Application # ET-3-2015

Name WEST VALLEY CITY (STEVE PASTORIK) Phone 801-963-3282

Mailing Address 3600 S CONSTITUTION BLVD. WVC, UT Zip 84119

E-mail Address STEVE.PASTORIK@WVC-UT.GOV

1. Which Ordinance do you wish to change?

SEE ATTACHED

2. What does the current text suggest or require?

SEE ATTACHED

3. What is the proposed text change?

SEE ATTACHED

4. What is the justification for the requested text change?

SEE ATTACHED

*Please attach another page if you need more room

3600 Constitution Boulevard, Room 240, West Valley City, UT 84119-3720
Telephone 801.963.3312 • Facsimile 801.963.3559 • <http://www.wvc-ut.gov>

Amendments—Highlights indicate new language.

7-6-200a AGRICULTURAL ZONE-2 (THE “A-2” ZONE)

The A-2 zone shall be identical to the A and A-1 zones in all respects and requirements, except for the minimum lot size. The minimum lot size for the A-2 Zone is 2 acres.

7-6-600P PART 6 – RESIDENTIAL ESTATE ZONE (“RE ZONE”)

7-6-601. PURPOSE.

The purpose of this zone is to provide areas in the City for large, estate lots for single family residential development.

7-6-602. PERMITTED USES.

The following are permitted uses in the RE Zone; no other permitted uses are allowed:

- (1) Agriculture
- (2) Community Uses
- (3) Home occupations – Minor, as defined in Title 7, Chapter 8.
- (4) Household pets
- (5) Signs (see Title 11 – Sign Ordinance)
- (6) Single-family dwellings
- (7) Temporary non-residential buildings
- (8) Uses customarily accessory to listed permitted uses

7-6-603. CONDITIONAL USES.

The following are conditional uses in the RE Zone; no other conditional uses are allowed:

- (1) Public utility installations (except lines and rights-of-way)
- (2) Home occupations – Major, as defined in Title 7, Chapter 8.
- (3) Planned unit developments that meet the requirements of 7-6-611.

7-6-604. MINIMUM LOT SIZE, FRONTAGE AND SETBACK REQUIREMENTS

- (1) The minimum lot size in the RE Zone is 15,000 square feet, except as provided in Section 7-6-611 of this Title.
- (2) The minimum frontage in the RE Zone is 100’ wide.

- (3) The minimum front yard setback in the RE Zone is 30'. The minimum side yard setbacks in the RE Zone are 10'. Minimum side yard setbacks for corner lots are 20'.
- (4) The minimum rear yard setback in the RE Zone is 30'.
- (5) Accessory Buildings shall meet the setback requirements set forth in this Section 7-6-604, except for the rear yard setback, which is a minimum of 10' for Accessory Buildings.

7-6-605. RE ZONE MINIMUM HOUSING STANDARDS. Each single family dwelling shall meet the following standards:

- (1) Ramblers shall be a minimum of 2,000 square feet and multi-level dwellings shall be a minimum of 3,000 square feet.
- (2) 100% brick exteriors are required. Stone accents are permitted.
- (3) Lots with double frontage adjacent to a street with 80 feet or more of Right-Of-Way, as defined in the Major Street Plan, shall have a solid, 6' tall masonry wall set back at least 10' from the closest edge of the sidewalk.
- (4) Laminated architectural shingles are required.
- (5) A minimum roof pitch of 6:12 is required.
- (6) A 3 car garage is required, except that a 2 car garage is permissible when there is a 20' side yard setback adjacent to the garage and either the 2 car garage is side loaded or the basement of the dwelling is finished.
- (7) Primary buildings must be designed and built with no more than two and one half stories above grade. Accessory buildings must be designed and built with no more than one story above grade.

7-6-606. HEIGHT RESTRICTIONS.

Primary buildings must be 30' or less in height. Accessory buildings must be 20' or less in height.

7-6-607. LANDSCAPING STANDARDS

All front yards shall be landscaped and include adequate irrigation to maintain live landscaping. All parkstrips and property between the 6' masonry walls and sidewalks shall be landscaped. Landscaping shall include 3 trees per frontage per lot. All landscaping required in this Section 7-6-607 shall be installed and completed within 6 months of the issuance of the Certificate of Occupancy.

7-6-608. LANDSCAPING BONDS REQUIRED.

Landscaping bonds must be deposited with the City in accordance with 7-6-610 and 7-6-611.

7-6-609. PARKING RESTRICTIONS.

Parking required by this Title shall not be allowed within the minimum required front or side yard setback adjacent to a public or private street.

7-6-610. SUBDIVISION STANDARDS.

- (1) Only single family dwellings are permitted.
- (2) A Home Owners Association ("HOA") shall be established when one or more 6' masonry walls are required to be constructed. The HOA shall be responsible for the landscaping maintenance of the property between the 6' masonry wall and the sidewalk.
- (3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
- (4) Traffic calming features must be incorporated in the design of the streets.
- (5) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.
- (6) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
- (7) A landscaping bond in the amount of \$5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney's Office.

7-6-611. PLANNED UNIT DEVELOPMENT ("PUD") STANDARDS

The minimum lot size in an RE Zone may be reduced to 12,000 square feet for PUDs provided the following standards are met:

- (1) Only single family dwellings are permitted.
- (2) A Home Owners Association ("HOA") shall be established to maintain landscaping, parking areas, and other general maintenance of common areas.
- (3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
- (4) Traffic calming features must be incorporated in the design of the streets.
- (5) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.
- (6) A trail system shall be required. The trail system shall provide access to, through, and between common open space areas and extend to adjoining community amenities, such as public parks and schools.
- (7) A minimum of 20% of the total PUD development is required for common open space.
- (8) Unique streetscapes are required comprising of, but not limited to: specialty lighting; minimum 8' wide parkstrips; and narrow street widths.
- (9) Landscaping on all parkstrips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
- (10) A landscaping bond in the amount of \$5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney's Office.

- (11) Amenities must be included in the PUD, with the number depending on the size of the PUD. Potential amenities include, but are not limited to: clubhouse; community garden; swimming pool; sport court; playground; pocket park; water feature; and picnic shelter and barbeque area with seating.

7-5-101. ZONING AMENDMENTS.

(1) The City Council may, from time to time, on its own motion or pursuant to an application, amend the number, shape, boundaries or area of any zoning district, or any regulation of or within any zoning district or any other provisions of the zoning ordinances. Any such proposed amendment shall first be submitted to the Planning Commission for recommendation. Zoning amendments approved, or receiving a recommendation other than disapproval by the Planning Commission, will be considered by the City Council as provided in this Section. Applications disapproved by the Planning Commission shall not be considered by the City Council except upon written request by the applicant to the City Council, as provided in this Section.

(2) Before finally adopting any amendment recommended or approved by the Planning Commission, the City Council shall hold a public hearing.

(3) Property within City limits may only be amended or rezoned to the following zones: A-2, RE, C-1, C-2, C-3, BRP, MXD, CC and M.

7-6-101. ESTABLISHMENT OF ZONES.

For the purpose of this Title, the City is divided into 23 classes of zones as follows:

Agricultural Zone:

A

A-1

A-2

Residential Zones:

RE Zone

R-1-4

R-1-6

7-14-105. DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION OF A SINGLE- FAMILY OR TWO-FAMILY DWELLING.

Applications for new construction of a single-family or two-family dwelling in West Valley City shall be accompanied by and shall comply with the following:

(1) Appropriate application form and fees.

(2) Two copies of the Development Plan shall be required, which plan shall include a site plan and an architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures.

(3) Except as otherwise set forth in the RE Zone, the following design criteria shall be required:

7-23-210. PERMITTED AND CONDITIONAL USES--PREFERRED SITES FOR COMMUNICATION FACILITIES.

(1) The following table lists the zones in which communications facilities are permitted and conditional uses:

Commercial, Manufacturing, and Agricultural Zones (Non-Stealth)

(P=Permitted;
C=Conditional;
X=Not Permitted)

Zone

	Wall Mount	Roof Mount	Monopole (< 2' wide)	Co-Located Tower
A	P	P	C	C
A-1,A-2	P	P	C	C
C-1	C	C	X	X
C-2	C	C	C	C
C-3	C	C	C	C
B/RP	C	C	C	C
M		P		

EXHIBIT "B"
TO
LETTER TO WEST VALLEY CITY PLANNING COMMISSION

Excerpt from the University of Utah Report

(see attached)

rental housing and discussed approaches to development such as public private partnerships, inclusionary zoning, density bonuses, accessory units, TODs/affordable housing, etc.

Land Use Element

The Land Use Element of a General Plan designates the general distribution, location, and the extent of uses of land for all types of purposes including housing. As it applies to housing the Land Use Element establishes a range of residential use categories and specifies densities and suggests the types of housing appropriate in a community.

Residential Densities – A number of factors, both public and private, affect the supply, location, and cost of housing in a local market. The public or governmental factor that most directly influences the character and pattern of residential development is the allowable density range of residentially designated land. For developers of housing, density ranges are critical to economic feasibility of a project. Higher densities, generally allow developers to take advantage of economies of scale and reduce the per-unit cost of land and improvements. Density standards are decisive in the supply of affordable housing in a community, particularly affordable rental housing. Reasonable density standards allow for a variety of housing options to meet the needs of all income and age groups, ensuring diversity and housing choice within a community.

A summary of allowable residential densities by land use type for entitlement cities is shown in *Table 6*. All entitlement cities have Land Use Elements that allow a range of single-family (less than one unit/acre to 14 units/acre) and multifamily (6 units/acre to 50 units per acre) uses. Special high density, 50 units plus is not allowed in Sandy or Taylorsville.

Table 6
Land Use Categories and Permitted Density for Entitlement Cities

Land Use By Density	Density Range	Salt Lake	Sandy	Taylorsville	South Jordan	West Jordan	West Valley
Single-Family							
Estate	Less one unit/acre	Yes	Yes	Yes	Yes	Yes	Yes
Low	1-3 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
Medium	3-6 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
High	6-14 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
Multi-family							
Low	6 to 15 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
Medium	15 to 20 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
High	20 to 30 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
Very High	30 to 50 units/acre	Yes	Yes	Yes	Yes	Yes	Yes
Special High	50+ units/acre	Yes	No	No	Yes	Yes	Yes

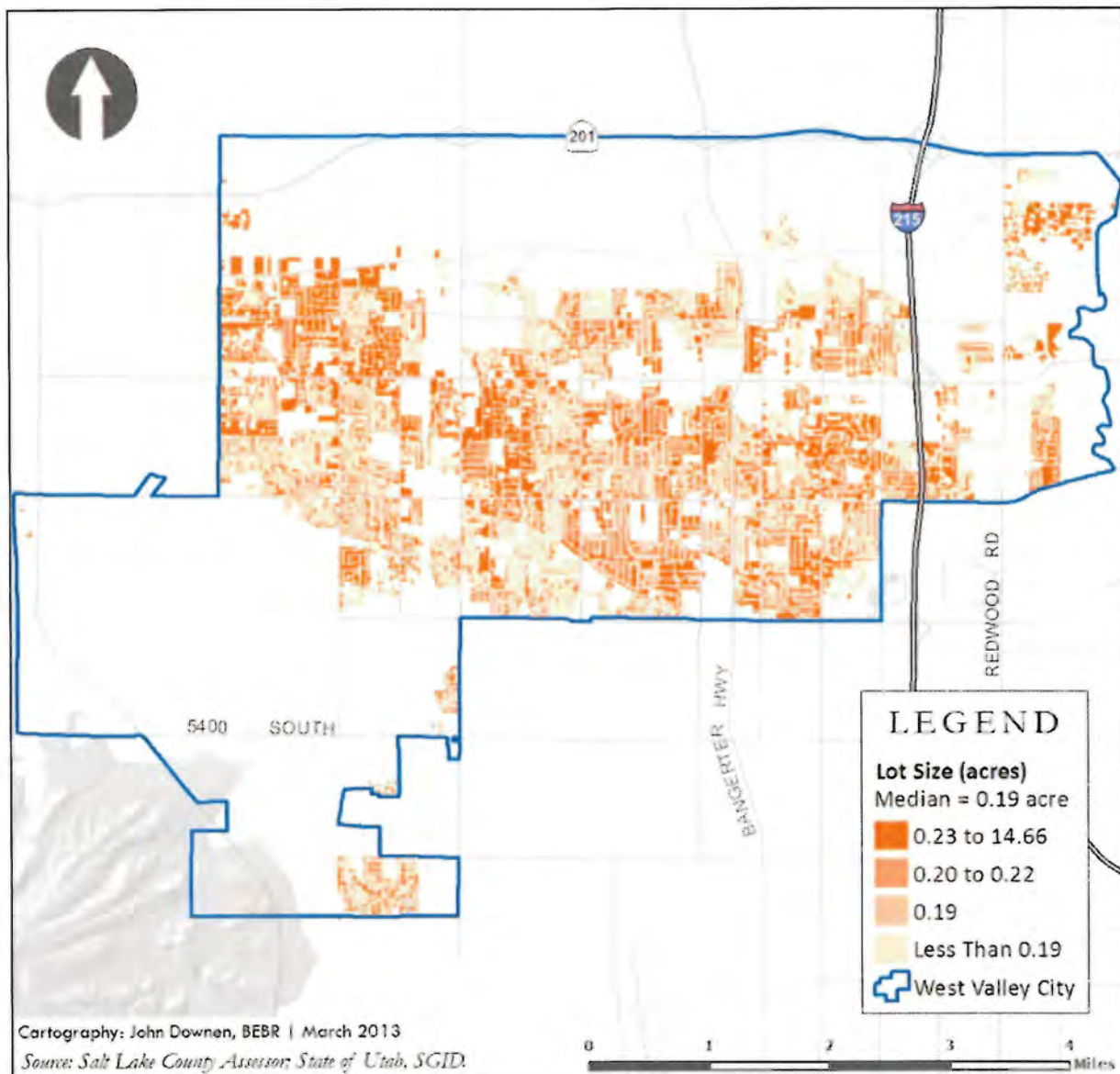
Source: BEBR Survey.

While all cities allow a wide range of residential densities, in actual practice approved densities show that, in fact, high density single-family development may be limited. For example, *Figures 1-6* map single-family residential parcels by density. The parcels are categorized by size and arranged by quartile. In Salt Lake City three quarters of all residential lots are less than two tenths of an acre while in South Jordan barely one quarter of all lots are less than two tenths of an acre.

The darker shade shows lower density areas of a city. Salt Lake City's low density housing is clustered along the east bench. In Sandy low density is confined to the southeast sector while in South Jordan low density dominates the city, with the exception of extreme west side (west of Bangerter Highway). Taylorsville, West Jordan, and West Valley City have a mix of low and high

density parcels spread through their respective cities. The median lot size for each city was calculated and is indicative of the availability of affordable housing. The larger the median lot size the more unlikely the availability of affordable housing. The ranking of small to large median lot size for the entitlement cities in Salt Lake County are: Salt Lake City .15 acre, West Jordan .17 acre, Taylorsville .18 acre, West Valley .19 acre, Sandy City .22 acre, and South Jordan .28 acre.

Figure 6
Residential Parcels by Size, West Valley City (2011)



stevemplan, llc
Stephen G. McCutchan
land planning urban design
1750 East Janella Way
Sandy, UT 84093
801-557-6945
stevemplan@gmail.com

May 13, 2015

Members of the Planning Commission
West Valley City
3600 South Constitution Blvd.
West Valley City, UT 84119

Re: ZT-3-2015 and GPZ-1-2015
City Wide Zone Text Amendment and General Plan/Zone Change

Members of the Planning Commission:

I am writing you on behalf of Don R Parker Properties, owners of approximately 15.6 acres that is proposed to be rezoned to the new A-2 Zone. The property owner wishes to first, go on record objecting to the proposed general plan land use and zone change and second, provide recommendations for the proposed City zone text amendment that will limit future residential rezoning to only two possible zones, the A-2 and RE Zones. We believe that this bold of an action will place needless limitations on West Valley City property owners and frustrate property rights that have been enjoyed in the past and adjoining neighbors have profited from. We wish you to consider whether the action to limit future rezoning to only two residential zones, both of which only allow estate or rural lots and more expensive homes, is fair and appropriate as it will limit the normal due process associated with a property owner's right to make a reasonable zoning request based upon standard planning and zoning practices.

**Change in General Plan Land Use and Rezoning of Parcel No. 2104329015
(15.61 Acres Located at 4500 South Constitution Boulevard)**

The subject property is located at 4500 South Constitution Boulevard (2700 West) on the west side of the street, north of the Driver's License Division and west of the State Office Building and American Express. The figure to the right illustrates the site (in orange) and the surrounding zoning and land uses. The property east of Constitution Boulevard is in Taylorsville City.

This property was acquired by Don R Parker Properties as compensation for the property owner selling land to UDOT to build the Mountain View Corridor in the northwest corner of the City. The land was transferred to compensate the property owner for a reduced price to the State for Mountain View Corridor right-of-way. If the City's changes to the land use and zoning were to devalue the land, it would



Existing Zoning Map

The property (along with the Driver's License Division property) is shown on the General Plan as Residential Office and zoned A. The General Plan states the following regarding Residential Office:

[illegible]

Under the existing General Plan designation of Residential Office, the property could be rezoned to Mixed Use Development (MXD) and be developed as a mixed use neighborhood with at least 25% of the site as non-retail commercial and 75% as residential with a maximum density of five (5) dwelling units per gross acre.

If the property is to be rezoned from the existing A Zone, we request it be rezoned to MXD.

Comments on Zone Text Amendment to Limit Future Residential Rezoning to A-2 and RE

We strongly recommend against the part of ZT-3-2015 included as Section 7-5-101(3) that states the following:

(3) Property within City limits may only be amended or rezoned to the following zones: A-2, RE, C-1, C-2, C-3, BRP, MXD, CC and M.

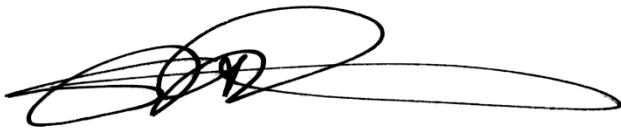
We believe that this proposed language unnecessarily limits the historic rights of property owners to make reasonable requests to rezone their property based upon standard planning and zoning practices and does so without the due process that is allowed to property owners by both the US and Utah Constitutions. It is integral to American law that property owners have the right to make a reasonable and practical request to rezone a property as they see best fits their desires for their property. It is then the City's responsibility to assess that request and determine if it is in the community's best interest. If the property owner's request and the Community's best interest are in line, the zoning request is approved. If the City can make findings that a property owner's request is not in the community's best interest and may result in harm to the community's health, safety or welfare, then it has the right to deny the request or ask that the request be revised.

What Section 7-5-101(3) is doing is the City is denying that right to due process by legislating that these two residential zones are the only zones that we will approve, disallowing property owners the right to apply for other residential zones. We believe that this unilateral action is a denial of due process and a property owner's right to request the City consider the other residential zones used throughout the City.

We recommend that you support continuing property owner's right to due process in seeking the best future use for their property by striking Section 7-5-101(3) from consideration.

We appreciate the opportunity to make these requests and recommendations.

Very truly yours

A handwritten signature in black ink, appearing to read 'Stephen G. McCutchan', with a long horizontal flourish extending to the right.

Stephen G. McCutchan

To West Valley City

I, Thomas Michael Mansfield,

don't want to rezone my property at 7148 W 2820 S.

I also have bought $\frac{3}{4}$ acres at the bottom of this property to have out let for utilities, so in the future my children can each have 1 acre lot.

I improved all the property so when this happens, quality will be equal.

If my property is rezone my children will be divided, and not equal. This will be destroying the family's plan. It is not fair to destroy our family and our plan.

Please, leave the zoning the same on this property.

Thomas Michael Mansfield

5-12-15

Thomas Michael Mansfield

May 4, 2015

Dear West Valley City Planning Commission,

I would like to thank you for your service to our community and to the people of West Valley City. We love living in West Valley and want to make it the best place it can be.

My property address at 6087 W Parkway Blvd is located in the proposed zoning area from A-1 to A-2. We have been trying unsuccessfully to sell a portion of our property in order to be able to retire. The adverse effect of changing the minimum lot size to two acres will prevent us from being able to sell any of our land. This area of West Valley has been developed into an overcrowded city. These restrictions are unreasonable and seem to be forcing us land owners to compensate for over-development in the nearby community. We are hard working, tax paying citizens who are struggling financially and simply cannot afford to accommodate new residential development with the regulations, prohibitions, and permitted uses the Planning Commission is proposing. We don't understand how 2 acre residential building lots make economic sense to this area.

We would propose changing the zoning on our property to allow 3 to 4 homes per acre without all the conditional uses and restrictions you are proposing. This may allow the working-class citizens of West Valley the opportunity to purchase a nice middle class home pertinent to the area.

Alternatively, as this seems to be a regulatory seizure by government as taking my property, I would consider reasonable offers of compensation for financial losses I will suffer as a result.

I am anxious to help in any way possible to come to an acceptable agreement that will benefit both the city and the residents of the proposed areas.

Sincerely,

A handwritten signature in cursive script that reads "Tony Jacketta".

Tony Jacketta
801 598-0240
2794 So 6100 W
WVC, Utah 84128

June xx, 2015

xx

Dear Property Owner,

You are getting this letter because the West Valley City Council will be holding a public hearing on July 28, 2015 at 6:30 P.M. at 3600 Constitution Boulevard in West Valley City to consider a proposed amendment to the City zoning map.

If approved, this amendment would change the zoning on your property from A to A-2. If approved, this amendment would change the general plan designation on your property from Medium Density Residential to Large Lot Residential.

The City has submitted Application No. ZT-3-2015 to create the "Residential Estate" zone and No. GPZ-1-2015 to change the zoning and general plan designations of certain property within the City to accommodate new residential development. If the City Council approves, these properties will, depending on the size of the properties, be changed to either the "A" zone or the new "A-2" zone, which is an agricultural zone with a minimum lot size of two acres. Property owners could keep their property undeveloped as agricultural property or apply to rezone their property to pursue development. Future residential development would meet the standards of the "Residential Estate" zone. As set forth above, these applications affect your property.

Regulations, prohibitions, and permitted uses for the A zone are set forth in the West Valley City Municipal Code at Sections 7-6-200P - 7-6-215. The regulations, prohibitions, and permitted uses for the A-2 zone are included in the proposal to the Planning Commission, which is enclosed with this letter. The City also recommends that you review Title 7 of the City Code for additional information regarding City land use regulations. The City Code may be accessed at <http://wvc-ut.gov/DocumentCenter/Index/96> or by visiting City Hall during normal business hours.

You have the right to file objections to the proposed change in zoning. All objections must be submitted within ten days of the public hearing described above and should be filed with the City Recorder's Office at 3600 Constitution Boulevard, West Valley City, Utah 84119. If an objection is received prior to the date of the hearing described above, that objection shall be considered by the City Council in making its recommendation. You also have the right to appear at the public hearing to voice any concerns you may have.

Other property owners will also be impacted by this change. Their names and addresses of record are included in the list attached to this letter.

Additional information can be found at www.wvc-ut.gov/appdocs. Please feel free to contact the West Valley City Planning and Zoning Division at 3600 S. Constitution Boulevard or at (801) 963-3312 with any questions or concerns.

Sincerely,

Steve Pastorik
Director of Planning and Zoning
West Valley City

June xx, 2015

xx

Dear Property Owner,

You are getting this letter because the West Valley City Council will be holding a public hearing on July 28, 2015 at 6:30 P.M. at 3600 Constitution Boulevard in West Valley City to consider a proposed amendment to the City zoning map. If approved, this amendment would change the zoning on your property located at xx from A to A-2.

The City has submitted Application No. ZT-3-2015 to create the "Residential Estate" zone and No. GPZ-1-2015 to change the zoning and general plan designations of certain property within the City to accommodate new residential development. If the City Council approves, these properties will, depending on the size of the properties, be changed to either the "A" zone or the new "A-2" zone, which is an agricultural zone with a minimum lot size of two acres. Property owners could keep their property undeveloped as agricultural property or apply to rezone their property to pursue development. Future residential development would meet the standards of the "Residential Estate" zone. As set forth above, these applications affect your property.

Regulations, prohibitions, and permitted uses for the A zone are set forth in the West Valley City Municipal Code at Sections 7-6-200P - 7-6-215. The regulations, prohibitions, and permitted uses for the A-2 zone are included in the proposal to the City Council, which is enclosed with this letter. The City also recommends that you review Title 7 of the City Code for additional information regarding City land use regulations. The City Code may be accessed at <http://wvc-ut.gov/DocumentCenter/Index/96> or by visiting City Hall during normal business hours.

You have the right to file objections to the proposed change in zoning. All objections must be submitted within ten days of the public hearing described above and should be filed with the City Recorder's Office at 3600 Constitution Boulevard, West Valley City, Utah 84119. If an objection is received prior to the date of the hearing described above, that objection shall be considered by the City Council in making its recommendation. You also have the right to appear at the public hearing to voice any concerns you may have.

Other property owners will also be impacted by this change. Their names and addresses of record are included in the list attached to this letter.

Additional information can be found at www.wvc-ut.gov/appdocs. Please feel free to contact the West Valley City Planning and Zoning Division at 3600 S. Constitution Boulevard or at (801) 963-3312 with any questions or concerns.

Sincerely,

Steve Pastorik
Director of Planning and Zoning
West Valley City

West Valley City does not discriminate on the basis of race, color, national origin, sex, religion, age, sexual orientation or disability in employment or the provision of services. If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting. We will try to provide whatever assistance may be required. The person to contact for assistance is Nichole Camac, 963-3282.

July X, 2015

Dear Property Owner,

You are receiving this notice because your property is located within 300 feet of a property that is proposed for a zone change and, in some cases, a General Plan change. A full list of the properties included in the application is included on the reverse of this letter.

Additional information is available at: www.wvc-ut.gov/appdocs, including a map that illustrates the proposed changes. If your property is included in the application, you will receive a separate notice with additional information pertinent to your situation.

The City has submitted Application No. ZT-3-2015 to create the “RE” (Residential Estate) zone and the “A-2” (Agriculture, minimum lot size 2 acres) zone. The City has also submitted Application No. GPZ-1-2015 to change the zoning of certain property within the City to accommodate new residential development. If the City Council approve, these properties will, depending on the size of the properties, be changed to either the “A” zone or the new “A-2” zone. Property owners could keep their property undeveloped as agricultural property or apply to rezone their property to pursue development. Future residential development would meet the standards of the “RE” zone.

The West Valley City Council will be holding a public hearing on July 28, 2015 at 6:30 P.M. at 3600 Constitution Boulevard in West Valley City to consider the application described above.

Further information concerning these applications can be found at www.wvc-ut.gov/appdocs. You are welcome to attend the meeting and voice your opinion or submit comments in writing. Please feel free to contact the West Valley City Department of Planning and Zoning at 3600 S. Constitution Boulevard or at (801) 963-3312 with any questions or concerns.

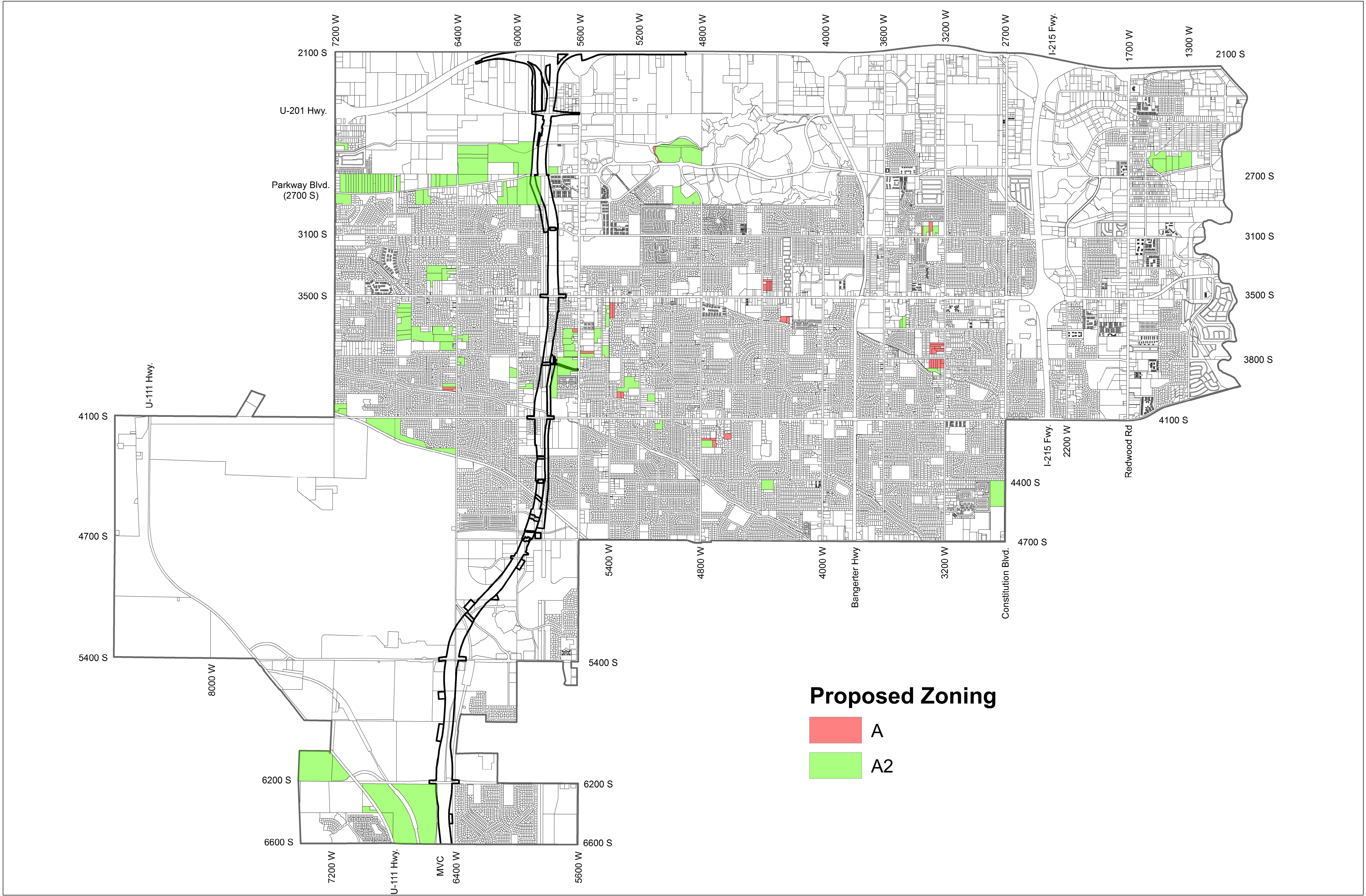
Sincerely,

Steve Pastorik, AICP
Assistant CED Director/Planning Director

West Valley City does not discriminate on the basis of race, color, national origin, sex, religion, age, sexual orientation or disability in employment or the provision of services. If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting. We will try to provide whatever assistance may be required. The person to contact for assistance is Nichole Camac, 963-3282.

The following is a list of properties proposed for rezone and/or general plan change. Additional details are available as set forth in this letter.

Property Address	Current Zone	New Zone	Current General Plan	Proposed General Plan	Property Address	Current Zone	New Zone	Current General Plan	Proposed General Plan
2557 S 7200 W	A	A-2	Large Lot Residential	Large Lot Residential	3732 S 5600 W	R-1-10	A-2	Residential Office	Large Lot Residential
6002 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3801 S 6400 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
6301 W 2575 S	A-1	A-2	Rural Residential	Rural Residential	3876 S 6000 W	A	A-2	Low Density Residential	Large Lot Residential
6301 W 2609 S	A-1	A-2	Rural Residential	Rural Residential	3971 S 6000 W	A	A-2	Low Density Residential	Large Lot Residential
6290 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	5734 W 3980 S	A	A-2	Low Density Residential	Large Lot Residential
5764 W PARKWAY BLVD	A	A-2	Med. Density Residential	Large Lot Residential	3846 S 5600 W	A	A-2	Residential Office	Large Lot Residential
5886 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3555 S 5450 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
5139 W ENGLAND CT	M	A-2	Mixed Use	Large Lot Residential	5385 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
2819 S 5600 W	M	A-2	Mixed Use	Large Lot Residential	5371 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
2549 S 5600 W	M	A-2	Mixed Use	Large Lot Residential	3775 S 5600 W	R-1-8	A	Residential Office	Large Lot Residential
2549 S 5600 W	M	A	Mixed Use	Large Lot Residential	3795 S 5600 W	R-1-8	A-2	Residential Office	Large Lot Residential
2722 S CORPORATE PARK DR	M	A-2	Mixed Use	Large Lot Residential	3702 S 5450 W	A	A-2	Rural Residential	Rural Residential
2856 S CORPORATE PARK DR	R-1-8	A-2	Mixed Use	Large Lot Residential	3755 S 5450 W	A	A-2	Rural Residential	Rural Residential
6290 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3940 S 5200 W	A	A-2	Low Density Residential	Large Lot Residential
6087 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3940 S 5200 W	R-1-8	A	Low Density Residential	Large Lot Residential
6087 W PARKWAY BLVD	A	A-2	Rural Residential	Rural Residential	5278 W 3990 S	R-1-8	A	Low Density Residential	Large Lot Residential
5901 W PARKWAY BLVD	R-1-10	A-2	Low Density Residential	Large Lot Residential	5065 W JANETTE AVE	A	A-2	Low Density Residential	Large Lot Residential
7148 W 2820 S	A-1	A-2	Rural Residential	Rural Residential	1485 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
7140 W 2820 S	A-1	A-2	Rural Residential	Rural Residential	1493 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
7128 W 2820 S	A-1	A-2	Rural Residential	Rural Residential	1415 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
6994 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	1401 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
6980 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	1363 W CRYSTAL AVE	A	A-2	Rural Residential	Rural Residential
6960 W 2820 S	A-1	A-2	Rural Residential	Rural Residential	3320 W 3100 S	R-1-8	A	Low Density Residential	Large Lot Residential
6870 W 2820 S	A-1	A-2	Rural Residential	Rural Residential	3264 W 3100 S	R-1-8	A-2	Low Density Residential	Large Lot Residential
7026 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3336 W 3100 S	R-1-8	A-2	Low Density Residential	Large Lot Residential
6844 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3278 W 3100 S	R-1-8	A	Low Density Residential	Large Lot Residential
6824 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3455 S 4400 W	R-1-8	A	Low Density Residential	Large Lot Residential
7088 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3451 S 4400 W	R-1-8	A	Low Density Residential	Large Lot Residential
7060 W 2820 S	A-1	A-2	Rural Residential	Rural Residential	4358 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
7042 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	4344 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
6924 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	4340 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
6940 W 2820 S	A-1	A-2	Rural Residential	Rural Residential	4368 W 3500 S	R-1-8	A	Low Density Residential	Large Lot Residential
6910 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	4207 W 3550 S	R-4-8.5	A	Mixed Use	Large Lot Residential
6888 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	4209 W 3550 S	R-4-8.5	A	Mixed Use	Large Lot Residential
7010 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3470 W 3650 S	R-1-8	A-2	Low Density Residential	Large Lot Residential
6977 W PARKWAY BLVD	A	A-2	Large Lot Residential	Large Lot Residential	3724 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
6645 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3732 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
6609 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3750 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
6776 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3760 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
6594 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3764 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
6520 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3736 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
6490 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3282 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
6426 W PARKWAY BLVD	A-1	A-2	Rural Residential	Rural Residential	3309 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
6570 W 3500 S	A	A-2	Low Density Residential	Large Lot Residential	3287 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
3348 S 6400 W	A	A-2	Low Density Residential	Large Lot Residential	3271 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
3318 S 6536 W	A	A-2	Low Density Residential	Large Lot Residential	3255 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
3539 S 6800 W	A	A-2	Large Lot Residential	Large Lot Residential	3876 S 3200 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
3525 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential	3816 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential	3826 S 3200 W	R-1-8	A	Low Density Residential	Large Lot Residential
3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential	3237 W 3800 S	R-1-8	A	Low Density Residential	Large Lot Residential
3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential	5057 W 4100 S	A	A-2	Low Density Residential	Large Lot Residential
3651 S 6800 W	A	A-2	Low Density Residential	Large Lot Residential	4798 S 6400 W	A	A-2	Heavy Manufacturing	Large Lot Residential
3764 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential	6152 S U-111 HWY	A	A-2	Light Manufacturing	Large Lot Residential
3754 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential	6002 S U-111 HWY	A	A-2	Light Manufacturing	Large Lot Residential
3702 S 6400 W	A	A-2	Large Lot Residential	Large Lot Residential	7011 W 6200 S	R-1-10	A-2	Comm. Light Manufacturing	Large Lot Residential
3668 S 6580 W	A	A-2	Low Density Residential	Large Lot Residential	6394 S U-111 HWY	A-1	A-2	Low Density Residential	Large Lot Residential
4053 S 7200 W	A	A-2	Low Density Residential	Large Lot Residential	6420 S U-111 HWY	R-1-10	A-2	Comm. Light Manufacturing	Large Lot Residential
4063 S 7200 W	A	A-2	Low Density Residential	Large Lot Residential	6511 W 6200 S	R-1-10	A-2	Comm. Light Manufacturing	Large Lot Residential
3940 S 6400 W	R-1-8	A-2	Low Density Residential	Large Lot Residential					
3950 S 6400 W	R-1-6	A	Low Density Residential	Large Lot Residential	4500 S CONST. BLVD	A	A-2	Residential Office	Non-Retail Commercial
3984 S 6400 W	R-1-6	A	Low Density Residential	Large Lot Residential	4732 W 4175 S	R-1-8	A	Low Density Residential	Large Lot Residential
3701 S 6400 W	R-1-8	A-2	Low Density Residential	Large Lot Residential	4221 S 4800 W	R-1-8	A-2	Low Density Residential	Large Lot Residential
3722 S 5600 W	A	A-2	Residential Office	Large Lot Residential	4625 W 4100 S	R-1-8	A	Low Density Residential	Large Lot Residential
3784 S 5600 W	A	A-2	Residential Office	Large Lot Residential	4625 W 4100 S	R-1-8	A	Low Density Residential	Large Lot Residential
3672 S 5600 W	R-1-8	A	Residential Office	Large Lot Residential	4195 S 4800 W	R-1-8	A	Low Density Residential	Large Lot Residential
3672 S 5600 W	R-1-8	A-2	Low Density Residential	Large Lot Residential	4435 S 4400 W	A	A-2	Low Density Residential	Large Lot Residential



Item: _____

Fiscal Impact: \$425,000 _____

Funding Source: Lease Proceeds _____

Account #: _____

Budget Opening Required: ☒

ISSUE:

Purchase of Police and Fire Radio Communication Equipment from Motorola Solutions, Inc.

SYNOPSIS:

Purchase of replacement of Police and Fire radio equipment financed through a lease-purchase with US BANCORP Government Leasing and Finance.

BACKGROUND:

The City has a need to replace a significant amount of Police and Fire radio communications equipment. Hand held portable radios and mobile radios will be purchased from Motorola Solutions, Inc. Vendor and equipment are on the Utah State Purchasing Contract #AR-1884. Favorable terms have been negotiated with US BANCORP Government Leasing and Finance, to initiate a lease purchase transaction. Terms of the lease will expire in advance of the 15 year useful life of the assets acquired. The City has obtained a rate of 2.07% for 7 years.

Payments for this equipment will be 28 quarterly payments in advance at \$16,249.19 starting July 30, 2015, totaling \$454,977.32. Principal will be \$425,000.00 and interest costs will be \$29,977.32.

RECOMMENDATION:

Approval of resolution

SUBMITTED BY:

Jim Welch, Finance Director

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY TO
PURCHASE RADIO COMMUNICATIONS EQUIPMENT
FROM MOTOROLA SOLUTIONS, INC. FOR USE BY THE
POLICE AND FIRE DEPARTMENTS.**

WHEREAS, the City desires to replace a significant amount of radio communications equipment (the "Equipment") for use by the Police and Fire Departments; and

WHEREAS, Motorola Solutions, Inc. (herein "Motorola") has been awarded the State Contract to supply said Equipment; and

WHEREAS, the prices awarded to Motorola are within price parameters and meet the City's needs; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to authorize the purchase of the Equipment; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, that:

1. The City is hereby authorized to purchase the Equipment in an amount not to exceed \$425,000 from Motorola.
2. The Mayor and the City Manager are hereby authorized to execute, for and on behalf of West Valley City, any documents necessary to complete said purchases.

PASSED, APPROVED, and MADE EFFECTIVE this _____ day
of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER

Item: _____

Fiscal Impact: \$454,977.32

Funding Source: Lease Proceeds

Account #: _____

Budget Opening Required: ☒

ISSUE:

A resolution of the governing body of West Valley City, Utah, authorizing the execution and delivery of a Master Tax-Exempt Lease/Purchase Agreement Schedule 2, with US BANCORP Government Leasing and Finance, Inc. and related documents with respect to a lease for the purchase of replacement Police and Fire radio equipment authorizing the executing and delivery of documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.

SYNOPSIS:

Lease Agreement for the purchase of replacement Police and Fire radio equipment with US BANCORP Government Leasing and Finance.

BACKGROUND:

The City has a need to replace a significant amount of Police and Fire radio communications equipment. Hand held portable radios and mobile radios will be purchased from Motorola Solutions Inc. Vendor and equipment are on the Utah State Purchasing Contract #AR-1884. Favorable terms have been negotiated with US BANCORP Government Leasing and Finance, Inc. to initiate a lease purchase transaction. Terms of the lease will expire in advance of the 15 year useful life of the assets acquired. The City has obtained a rate of 2.05% for 7 years.

Payments for this equipment will be 28 quarterly payments in advance at \$16,249.19 starting July 29, 2015, totaling \$454,977.32. Principal will be \$425,000.00 and interest costs will be \$29,977.32.

RECOMMENDATION:

Approval of this engagement agreement

SUBMITTED BY:

Jim Welch, Finance Director

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO PROPERTY SCHEDULE NO. 2 OF THE MASTER TAX-EXEMPT LEASE/PURCHASE AGREEMENT WITH US BANCORP GOVERNMENT LEASING AND FINANCING, INC., WITH RESPECT TO A LEASE FOR THE PURCHASE AND REPLACEMENT OF POLICE AND FIRE RADIO EQUIPMENT.

WHEREAS, the City desires to purchase radio equipment for the Police and Fire Departments (herein "Equipment"); and

WHEREAS, favorable terms have been negotiated with US BANCORP Government Leasing and Finance, Inc. (herein "BANCORP") to initiate a lease purchase transaction; and

WHEREAS, the City previously entered in a Master Lease Agreement with Bancorp; and

WHEREAS, an Agreement has been prepared for execution by and between the City and BANCORP, entitled, "Property Schedule No. 2", which sets forth the rights, duties, and obligations of each of the parties thereto; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interest of the health, safety, and welfare of the citizens of West Valley City to approve the Agreement with BANCORP;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of West Valley City, Utah, that the Agreement entitled, "Property Schedule No. 2" for the purchase of Police and Fire radios is hereby approved and the Mayor is hereby authorized to execute said Agreement and all other documents necessary to complete said transaction for and on behalf of West Valley City, subject to approval of the final form of the document by the City Manager and the City Attorney's Office.

PASSED, APPROVED, and MADE EFFECTIVE this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

—

ATTEST:

CITY RECORDER

DOCUMENT CHECKLIST

PLEASE EXECUTE TWO (2) ORIGINALS OF ALL DOCUMENTS
NO FRONT AND BACK COPIES, PLEASE

RETURN ALL ORIGINALS TO:
U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC.
LISA ALBRECHT
950 17TH STREET, 7TH FLOOR
DENVER, CO 80202
303-585-4077

- **Property Schedule No. 2** - This document must be executed in the presence of a witness/attestor. The attesting witness does not have to be a notary, just present at the time of execution.
- **Property Description and Payment Schedule – Exhibit 1**
- **Lessee's Counsel's Opinion – Exhibit 2.** This exhibit will need to be executed by your attorney, dated and placed on their letterhead. Your attorney will likely want to review the agreement prior to executing this opinion.
- **Lessee's Certificate – Exhibit 3.** 1) Please fill in the person's title who will be executing the certificate in the first paragraph (note: the person who signs this exhibit cannot be the same person as the executing official(s) for all other documents); 2) Please fill in the date that the governing body met in Line 1; 3) In the middle set of boxes, please print the name of the executing official(s) in the far left box, print their title(s) in the middle box and have the executing official(s) sign the line in the far right hand box; 4) Include in your return package a copy of the board minutes or resolution for our files; and 5) The exhibit should be executed by someone other than the executing official(s) named in the center box.
- **Payment of Proceeds Instructions – Exhibit 4.** Intentionally Omitted
- **Acceptance Certificate – Exhibit 5.** Intentionally Omitted
- **Bank Qualification and Arbitrage Rebate – Exhibit 6.**
- **Insurance Authorization and Verification –** To be filled out by the Lessee and sent to your insurance carrier. A valid insurance certificate, or self-insurance letter if the Lessee self-insures, is required prior to funding.
- **Notification of Tax Treatment –** Please provide your State of Sales/Use tax Exemption Certificate.
- **Form 8038-G –** Blank form provided to Lessee. Please consult your local legal/bond counsel to fill out.
- **Escrow Agreement –** This document needs to be executed by the Executing Official defined in the Lessee's Certificate – Exhibit 3.
 - **Investment Direction Letter – Exhibit 1.** This document needs to be executed by the Executing Official.
 - **Schedule of Fees – Exhibit 2.**
 - **Requisition Request – Exhibit 3.** This document should be retained by Lessee and utilized to request disbursements from the escrow account. Please make copies and fill out as many as are needed.
 - **Final Acceptance Certificate - Exhibit 4.** This document should be retained by Lessee and provided to Lessor once all the proceeds have been disbursed from the escrow account.
 - **Class Action Negative Consent Letter – Exhibit 6.**
 - **IRS Form W-9.** This document should be retained by Lessee and submitted with the Requisition Request(s) for each vendor being paid. Please make copies and fill out as many as are needed.
- **Invoice for First Payment -** The first payment must be received for funding to occur.

Property Schedule No. 2

Master Tax-Exempt Lease/Purchase Agreement

This **Property Schedule No. 2** is entered into as of the Commencement Date set forth below, pursuant to that certain Master Tax-Exempt Lease/Purchase Agreement (the "Master Agreement"), dated as of April 02, 2015, between U.S. Bancorp Government Leasing and Finance, Inc., and West Valley City, Utah.

1. Interpretation. The terms and conditions of the Master Agreement are incorporated herein by reference as if fully set forth herein. Reference is made to the Master Agreement for all representations, covenants and warranties made by Lessee in the execution of this Property Schedule, unless specifically set forth herein. In the event of a conflict between the provisions of the Master Agreement and the provisions of this Property Schedule, the provisions of this Property Schedule shall control. All capitalized terms not otherwise defined herein shall have the meanings provided in the Master Agreement.
2. Commencement Date. The Commencement Date for this Property Schedule is July 29, 2015.
3. Property Description and Payment Schedule. The Property subject to this Property Schedule is described in Exhibit 1 hereto. Lessee shall not remove such property from the locations set forth therein without giving prior written notice to Lessor. The Lease Payment Schedule for this Property Schedule is set forth in Exhibit 1.
4. Opinion. The Opinion of Lessee's Counsel is attached as Exhibit 2.
5. Lessee's Certificate. The Lessee's Certificate is attached as Exhibit 3.
6. Proceeds. Exhibit 4 has been intentionally omitted.
7. Acceptance Certificate. Exhibit 5 has been intentionally omitted.
8. Additional Purchase Option Provisions. In addition to the Purchase Option provisions set forth in the Master Agreement, Lease Payments payable under this Property Schedule shall be subject to prepayment in whole at any time by payment of the applicable Termination Amount set forth in Exhibit 1 (Payment Schedule) and payment of all accrued and unpaid interest through the date of prepayment.
9. Private Activity Issue. Lessee understands that among other things, in order to maintain the exclusion of the interest component of Lease Payments from gross income for federal income tax purposes, it must limit and restrict the rights private businesses (including, for this purpose, the federal government and its agencies and organizations described in the Code § 501(c)(3)) have to use the Property. Each of these requirements will be applied beginning on the later of the Commencement Date or date each portion of the Property is placed in service and will continue to apply until earlier of the end of the economic useful life of the property or the date the Agreement or any tax-exempt obligation issued to refund the Property Schedule is retired (the "Measurement Period"). Lessee will comply with the requirements of Section 141 of the Code and the regulations thereunder which provide restrictions on special legal rights that users other than Lessee or a state or local government or an agency or instrumentality of a state or a local government (an "Eligible User") may have to use the Property. For this purpose, special legal rights may arise from a management or service agreement, lease, research agreement or other arrangement providing any entity except an Eligible User the right to use the Property. Any use of the Property by a user other than an Eligible User is referred to herein as "Non-Qualified Use" Throughout the Measurement Period, all of the Property is expected to be owned by Lessee. Throughout the Measurement Period, Lessee will not permit the Non-Qualified Use of the Property to exceed 10%.
10. Bank Qualification and Arbitrage Rebate. Attached as Exhibit 6.
11. Expiration. Lessor, at its sole determination, may choose not to accept this Property Schedule if the fully executed, original Master Agreement (including this Property Schedule and all ancillary documents) is not received by Lessor at its place of business by September 06, 2015.

IN WITNESS WHEREOF, Lessor and Lessee have caused this Property Schedule to be executed in their names by their duly authorized representatives as of the Commencement Date above.

Lessor: U.S. Bancorp Government Leasing and Finance, Inc.
By:
Name:
Title:

Lessee: West Valley City, Utah
By:
Name:
Title:

Attest:
By
Name:
Title:

EXHIBIT 1

Property Description and Payment Schedule

Re: **Property Schedule No. 2** to Master Tax-Exempt Lease/Purchase Agreement between U.S. Bancorp Government Leasing and Finance, Inc. and West Valley City, Utah.

THE PROPERTY IS AS FOLLOWS: The Property as more fully described in Exhibit A incorporated herein by reference and attached hereto. It includes all replacements, parts, repairs, additions, accessions and accessories incorporated therein or affixed or attached thereto and any and all proceeds of the foregoing, including, without limitation, insurance recoveries.

PROPERTY LOCATION:

Address

City, State Zip Code

USE: Radios - This use is essential to the proper, efficient and economic functioning of Lessee or to the services that Lessee provides; and Lessee has immediate need for and expects to make immediate use of substantially all of the Property, which need is not temporary or expected to diminish in the foreseeable future.

Lease Payment Schedule

Total Principal Amount: \$425,000.00

Payment No.	Due Date	Lease Payment	Principal Portion	Interest Portion	Termination Amount (After Making Payment for said Due Date)
1	29-Jul-2015	16,249.19	16,249.19	0.00	421,013.33
2	29-Oct-2015	16,249.19	14,154.34	2,094.85	406,434.36
3	29-Jan-2016	16,249.19	14,226.88	2,022.31	391,780.67
4	29-Apr-2016	16,249.19	14,299.80	1,949.39	377,051.88
5	29-Jul-2016	16,249.19	14,373.08	1,876.11	362,247.61
6	29-Oct-2016	16,249.19	14,446.74	1,802.45	347,367.46
7	29-Jan-2017	16,249.19	14,520.78	1,728.41	332,411.05
8	29-Apr-2017	16,249.19	14,595.20	1,653.99	317,377.99
9	29-Jul-2017	16,249.19	14,670.00	1,579.19	302,267.89
10	29-Oct-2017	16,249.19	14,745.19	1,504.00	287,080.35
11	29-Jan-2018	16,249.19	14,820.76	1,428.43	271,814.97
12	29-Apr-2018	16,249.19	14,896.71	1,352.48	256,471.35
13	29-Jul-2018	16,249.19	14,973.06	1,276.13	241,049.10
14	29-Oct-2018	16,249.19	15,049.80	1,199.39	225,547.81
15	29-Jan-2019	16,249.19	15,126.93	1,122.26	209,967.08
16	29-Apr-2019	16,249.19	15,204.45	1,044.74	194,306.50
17	29-Jul-2019	16,249.19	15,282.37	966.82	178,565.65
18	29-Oct-2019	16,249.19	15,360.70	888.49	162,744.13
19	29-Jan-2020	16,249.19	15,439.42	809.77	146,841.53
20	29-Apr-2020	16,249.19	15,518.55	730.64	130,857.43
21	29-Jul-2020	16,249.19	15,598.08	651.11	114,791.41

22	29-Oct-2020	16,249.19	15,678.02	571.17	98,643.05
23	29-Jan-2021	16,249.19	15,758.37	490.82	82,411.93
24	29-Apr-2021	16,249.19	15,839.13	410.06	66,097.62
25	29-Jul-2021	16,249.19	15,920.31	328.88	49,699.71
26	29-Oct-2021	16,249.19	16,001.90	247.29	33,217.75
27	29-Jan-2022	16,249.19	16,083.91	165.28	16,651.33
28	29-Apr-2022	16,249.19	16,166.34	82.85	0.00
TOTALS		454,977.32	425,000.00	29,977.32	

Interest Rate: 2.050%

Lessee: West Valley City, Utah
By:
Name:
Title:

EXHIBIT A

Property Description

Radios

EXHIBIT 2

Lessee's Counsel's Opinion

[To be provided on letterhead of Lessee's counsel.]

July 29, 2015

U.S. Bancorp Government Leasing and Finance, Inc.
13010 SW 68th Parkway, Suite 100
Portland, OR 97223

West Valley City, Utah
3600 Constitution Blvd
West Valley City, Utah 84119
Attention: James Welch

RE: Property Schedule No. 2 to Master Tax-Exempt Lease/Purchase Agreement between U.S. Bancorp Government Leasing and Finance, Inc. and West Valley City, Utah.

Ladies and Gentlemen:

We have acted as special counsel to West Valley City, Utah ("Lessee"), in connection with the Master Tax-Exempt Lease/Purchase Agreement, dated as of April 02, 2015 (the "Master Agreement"), between West Valley City, Utah, as lessee, and U.S. Bancorp Government Leasing and Finance, Inc. as lessor ("Lessor"), and the execution of Property Schedule No. 2 (the "Property Schedule") pursuant to the Master Agreement. We have examined the law and such certified proceedings and other papers as we deem necessary to render this opinion.

All capitalized terms not otherwise defined herein shall have the meanings provided in the Master Agreement and Property Schedule.

As to questions of fact material to our opinion, we have relied upon the representations of Lessee in the Master Agreement and the Property Schedule and in the certified proceedings and other certifications of public officials furnished to us without undertaking to verify the same by independent investigation.

Based upon the foregoing, we are of the opinion that, under existing law:

1. Lessee is a public body corporate and politic, duly organized and existing under the laws of the State, and has a substantial amount of one or more of the following sovereign powers: (a) the power to tax, (b) the power of eminent domain, and (c) the police power.

2. Lessee has all requisite power and authority to enter into the Master Agreement and the Property Schedule and to perform its obligations thereunder.

3. The execution, delivery and performance of the Master Agreement and the Property Schedule by Lessee has been duly authorized by all necessary action on the part of Lessee.

4. All proceedings of Lessee and its governing body relating to the authorization and approval of the Master Agreement and the Property Schedule, the execution thereof and the transactions contemplated thereby have been conducted in accordance with all applicable open meeting laws and all other applicable state and federal laws.

5. Lessee has acquired or has arranged for the acquisition of the Property subject to the Property Schedule, and has entered into the Master Agreement and the Property Schedule, in compliance with all applicable public bidding laws.

6. Lessee has obtained all consents and approvals of other governmental authorities or agencies which may be required for the execution, delivery and performance by Lessee of the Master Agreement and the Property Schedule.

7. The Master Agreement and the Property Schedule have been duly executed and delivered by Lessee and constitute legal, valid and binding obligations of Lessee, enforceable against Lessee in accordance with the terms thereof, except insofar as the enforcement thereof may be limited by any applicable bankruptcy, insolvency, moratorium, reorganization or other laws of equitable principles of general application, or of application to municipalities or political subdivisions such as the Lessee, affecting remedies or creditors' rights generally, and to the exercise of judicial discretion in appropriate cases.

8. As of the date hereof, based on such inquiry and investigation as we have deemed sufficient, no litigation is pending, (or, to our knowledge, threatened) against Lessee in any court (a) seeking to restrain or enjoin the delivery of the Master Agreement or the Property Schedule or of other agreements similar to the Master Agreement; (b) questioning the authority of Lessee to execute the Master Agreement or the Property Schedule, or the validity of the Master Agreement or the Property Schedule, or the payment of principal of or interest on, the Property Schedule; (c) questioning the constitutionality of any statute, or the validity of any proceedings, authorizing the execution of the Master Agreement and the Property Schedule; or (d) affecting the provisions made for the payment of or security for the Master Agreement and the Property Schedule.

This opinion may be relied upon by Lessor, its successors and assigns, and any other legal counsel who provides an opinion with respect to the Property Schedule.

Very truly yours,

By: _____

Name: _____

Title: _____

Dated: _____

EXHIBIT 3

Lessee's Certificate

Re: **Property Schedule No. 2** to Master Tax-Exempt Lease/Purchase Agreement between U.S. Bancorp Government Leasing and Finance, Inc. and West Valley City, Utah.

The undersigned, being the duly elected, qualified and acting _____ of the West Valley City, Utah ("Lessee") do hereby certify, as of July 29, 2015, as follows:

1. Lessee did, at a meeting of the governing body of the Lessee held _____ by resolution or ordinance duly enacted, in accordance with all requirements of law, approve and authorize the execution and delivery of the above-referenced Property Schedule (the "Property Schedule") and the Master Tax-Exempt Lease/Purchase Agreement (the "Master Agreement") by the following named representative of Lessee, to wit:

NAME OF EXECUTING OFFICIAL	TITLE OF EXECUTING OFFICIAL	SIGNATURE OF EXECUTING OFFICIAL
And/ Or		

2. The above-named representative of the Lessee held at the time of such authorization and holds at the present time the office set forth above.

3. The meeting(s) of the governing body of the Lessee at which the Master Agreement and the Property Schedule were approved and authorized to be executed was duly called, regularly convened and attended throughout by the requisite quorum of the members thereof, and the enactment approving the Master Agreement and the Property Schedule and authorizing the execution thereof has not been altered or rescinded. All meetings of the governing body of Lessee relating to the authorization and delivery of Master Agreement and the Property Schedule have been: (a) held within the geographic boundaries of the Lessee; (b) open to the public, allowing all people to attend; (c) conducted in accordance with internal procedures of the governing body; and (d) conducted in accordance with the charter of the Lessee, if any, and the laws of the State.

4. No event or condition that constitutes, or with the giving of notice or the lapse of time or both would constitute, an Event of Default or a Nonappropriation Event (as such terms are defined in the Master Agreement) exists at the date hereof with respect to this Property Schedule or any other Property Schedules under the Master Agreement.

5. The acquisition of all of the Property under the Property Schedule has been duly authorized by the governing body of Lessee.

6. Lessee has, in accordance with the requirements of law, fully budgeted and appropriated sufficient funds for the current budget year to make the Lease Payments scheduled to come due during the current budget year under the Property Schedule and to meet its other obligations for the current budget year and such funds have not been expended for other purposes.

7. As of the date hereof, no litigation is pending, (or, to my knowledge, threatened) against Lessee in any court (a) seeking to restrain or enjoin the delivery of the Master Agreement or the Property Schedule or of other agreements similar to the Master Agreement; (b) questioning the authority of Lessee to execute the Master Agreement or the Property Schedule, or the validity of the Master Agreement or the Property Schedule, or the payment of principal of or interest on, the Property Schedule; (c) questioning the constitutionality of any statute, or the validity of any proceedings, authorizing the execution of the Master Agreement and the Property Schedule; or (d) affecting the provisions made for the payment of or security for the Master Agreement and the Property Schedule.

West Valley City, Utah
By:
Title:
SIGNER MUST NOT BE THE SAME AS THE EXECUTING OFFICIAL(S) SHOWN ABOVE.

EXHIBIT 4

Payment of Proceeds Instructions

Intentionally Omitted

EXHIBIT 5

Acceptance Certificate

Intentionally Omitted

EXHIBIT 6

Bank Qualification And Arbitrage Rebate

U.S. Bancorp Government Leasing and Finance, Inc.
13010 SW 68th Parkway, Suite 100
Portland, OR 97223

Re: **Property Schedule No. 2** to Master Tax-Exempt Lease/Purchase Agreement between U.S. Bancorp Government Leasing and Finance, Inc. and West Valley City, Utah

PLEASE CHECK EITHER:

Bank Qualified Tax-Exempt Obligation under Section 265

_____ Lessee hereby designates this Property Schedule as a "qualified tax-exempt obligation" as defined in Section 265(b)(3)(B) of the Code. Lessee reasonably anticipates issuing tax-exempt obligations (excluding private activity bonds other than qualified 501(c)(3) bonds and including all tax-exempt obligations of subordinate entities of the Lessee) during the calendar year in which the Commencement Date of this Property Schedule falls, in an amount not exceeding \$10,000,000.

or

_____ Not applicable.

Arbitrage Rebate

Eighteen Month Exception:

Pursuant to Treasury Regulations Section 1.148-7(d), the gross proceeds of this Property Schedule will be expended for the governmental purposes for which this Property Schedule was entered into, as follows: at least 15% within six months after the Commencement Date, at least 60% within 12 months after the Commencement Date, and 100% within 18 months after the Commencement Date. If Lessee is unable to comply with Section 1.148-7(d) of the Treasury Regulations, Lessee shall compute rebatable arbitrage on this Agreement and pay rebatable arbitrage to the United States at least once every five years, and within 60 days after payment of the final Lease Payment due under this Agreement.

Lessee: West Valley City, Utah
By:
Name:
Title:

Language for UCC Financing Statements

Property Schedule No. 2

SECURED PARTY: U.S. Bancorp Government Leasing and Finance, Inc.

DEBTOR: West Valley City, Utah

This financing statement covers all of Debtor's right, title and interest, whether now owned or hereafter acquired, in and to the equipment leased to Debtor under Property Schedule No. 2 dated July 29, 2015 to that certain Master Tax-Exempt Lease Purchase Agreement dated as of April 02, 2015, in each case between Debtor, as Lessee, and Secured Party, as Lessor, together with all accessions, substitutions and replacements thereto and therefore, and proceeds (cash and non-cash), including, without limitation, insurance proceeds, thereof, including without limiting, all equipment described on Exhibit A attached hereto and made a part hereof.

Debtor has no right to dispose of the equipment.

INSURANCE AUTHORIZATION AND VERIFICATION

Date: July 29, 2015

Property Schedule No: 2

To: West Valley City, Utah (the "Lessee")

From: U.S. Bancorp Government Leasing and Finance, Inc. (the
"Lessor")
13010 SW 68th Parkway, Suite 100
Portland, OR 97223
Attn: Lisa Albrecht

TO THE LESSEE: In connection with the above-referenced Property Schedule, Lessor requires proof in the form of this document, executed by both Lessee* and Lessee's agent, that Lessee's insurable interest in the financed property (the "Property") meets Lessor's requirements as follows, with coverage including, but not limited to, fire, extended coverage, vandalism, and theft:

Lessor, AND ITS SUCCESSORS AND ASSIGNS, shall be covered as both ADDITIONAL INSURED and LENDER'S LOSS PAYEE with regard to all equipment financed or leased by policy holder through or from Lessor. All such insurance shall contain a provision to the effect that such insurance shall not be canceled or modified without first giving written notice thereof to Lessor and Lessee at least thirty (30) days in advance of such cancellation or modification.

Lessee must carry GENERAL LIABILITY (and/or, for vehicles, Automobile Liability) in the amount of no less than \$1,000,000.00 (one million dollars).

Lessee must carry PROPERTY Insurance (or, for vehicles, Physical Damage Insurance) in an amount no less than the 'Insurable Value' \$425,000.00, with deductibles no more than \$10,000.00.

**Lessee: Please execute this form and return with your document package. Lessor will fax this form to your insurance agency for endorsement. In lieu of agent endorsement, Lessee's agency may submit insurance certificates demonstrating compliance with all requirements. If fully executed form (or Lessee-executed form plus certificates) is not provided within 15 days, we have the right to purchase such insurance at your expense. Should you have any questions, please contact Lisa Albrecht at 303-585-4077.*

By signing, Lessee authorizes the Agent named below: 1) to complete and return this form as indicated; and 2) to endorse the policy and subsequent renewals to reflect the required coverage as outlined above.

Agency/Agent:		
Address:		
Phone/Fax:		
Email:		

Lessee: West Valley City, Utah
By:
Name:
Title:

TO THE AGENT: *In lieu of providing a certificate, please execute this form in the space below and promptly fax it to Lessor at 303-585-4732. This fully endorsed form shall serve as proof that Lessee's insurance meets the above requirements.*

Agent hereby verifies that the above requirements have been met in regard to the Property listed below.

Print Name of Agency: X _____

By: X _____
(Agent's Signature)

Print Name: X _____

Date: X _____

Insurable Value: \$425,000.00

ATTACHED: PROPERTY DESCRIPTION FOR PROPERTY SCHEDULE NO.: 2

Notification of Tax Treatment to Tax-Exempt Lease/Purchase Agreement

This **Notification of Tax Treatment** is pursuant to the Master Tax-Exempt Lease/Purchase Agreement dated as of April 02, 2015 and the related Property Schedule No. 2 dated July 29, 2015, between Lessor and Lessee (the "Agreement").

- _____ Lessee agrees that this Property Schedule SHOULD be subject to sales/use taxes
- X Lessee agrees that this Property Schedule should NOT be subject to sales/use taxes and Lessee has previously included our tax-exemption certificate with this document package
- _____ Lessee agrees that this Property Schedule should NOT be subject to sales/use taxes and no tax-exemption certificate is issued to us by the State
- _____ Lessee agrees that this Property Schedule is a taxable transaction and subject to any/all taxes
- _____ Lessee agrees that this Property Schedule is subject to sales/use taxes and will pay those taxes directly to the State or Vendor

IN WITNESS WHEREOF, Lessee has caused this Notification of Tax Treatment to be executed by their duly authorized representative.

Lessee: West Valley City, Utah
By:
Name:
Title:

Instructions for Form 8038-G

(Rev. September 2011)

Information Return for Tax-Exempt Governmental Obligations



Department of the Treasury
Internal Revenue Service

Section references are to the Internal Revenue Code unless otherwise noted.

General Instructions

Purpose of Form

Form 8038-G is used by issuers of tax-exempt governmental obligations to provide the IRS with the information required by section 149(e) and to monitor the requirements of sections 141 through 150.

Who Must File

IF the issue price (line 21, column (b)) is...	THEN, for tax-exempt governmental obligations issued after December 31, 1986, issuers must file...
\$100,000 or more	A separate Form 8038-G for each issue
Less than \$100,000	Form 8038-GC, Information Return for Small Tax-Exempt Governmental Bond Issues, Leases, and Installment Sales



CAUTION For all build America bonds and recovery zone economic development bonds use Form 8038-B, Information Return for Build America Bonds and Recovery Zone Economic Development Bonds. For tax credit bonds and specified tax credit bonds use Form 8038-TC, Information Return for Tax Credit Bonds and Specified Tax Credit Bonds.

When To File

File Form 8038-G on or before the 15th day of the 2nd calendar month after the close of the calendar quarter in which the bond is issued. Form 8038-G may not be filed before the issue date and must be completed based on the facts as of the issue date.

Late filing. An issuer may be granted an extension of time to file Form 8038-G under Section 3 of Rev. Proc. 2002-48, 2002-37 I.R.B. 531, if it is determined that the failure to file timely is not due to willful neglect. Type or print at the top of the form "Request for Relief under section 3 of Rev. Proc. 2002-48" and attach a letter explaining why Form 8038-G was not submitted to the IRS on time. Also indicate whether the bond issue in question is under examination by the IRS. Do not submit copies of the trust

indenture or other bond documents. See *Where To File* next.

Where To File

File Form 8038-G, and any attachments, with the Department of the Treasury, Internal Revenue Service Center, Ogden, UT 84201.

Private delivery services. You can use certain private delivery services designated by the IRS to meet the "timely mailing as timely filing/paying" rule for tax returns and payments. These private delivery services include only the following:

- DHL Express (DHL): DHL Same Day Service.
- Federal Express (FedEx): FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day, FedEx International Priority, and FedEx International First.
- United Parcel Service (UPS): UPS Next Day Air, UPS Next Day Air Saver, UPS 2nd Day Air, UPS 2nd Day Air A.M., UPS Worldwide Express Plus, and UPS Worldwide Express.

The private delivery service can tell you how to get written proof of the mailing date.

Other Forms That May Be Required

For rebating arbitrage (or paying a penalty in lieu of arbitrage rebate) to the Federal government, use Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate.

For private activity bonds, use Form 8038, Information Return for Tax-Exempt Private Activity Bond Issues.

For build America bonds (Direct Pay), build America bonds (Tax Credit), and recovery zone economic development bonds, complete Form 8038-B, Information Return for Build America Bonds and Recovery Zone Economic Development Bonds.

For qualified forestry conservation bonds, new clean renewable energy bonds, qualified energy conservation bonds, qualified zone academy bonds, qualified school construction bonds, clean renewable energy bonds, Midwestern tax credit bonds, and all other qualified tax credit bonds (except build America bonds), file Form 8038-TC, Information Return for Tax Credit Bonds and Specified Tax Credit Bonds.

Rounding to Whole Dollars

You may show amounts on this return as whole dollars. To do so, drop amounts less than 50 cents and increase amounts from 50 cents through 99 cents to the next higher dollar.

Questions on Filing Form 8038-G

For specific questions on how to file Form 8038-G send an email to the IRS at TaxExemptBondQuestions@irs.gov and put "Form 8038-G Question" in the subject line. In the email include a description of your question, a return email address, the name of a contact person, and a telephone number.

Definitions

Tax-exempt obligation. This is any obligation, including a bond, installment purchase agreement, or financial lease, on which the interest is excluded from income under section 103.

Tax-exempt governmental obligation. A tax-exempt obligation that is not a private activity bond (see below) is a tax-exempt governmental obligation. This includes a bond issued by a qualified volunteer fire department under section 150(e).

Private activity bond. This includes an obligation issued as part of an issue in which:

- More than 10% of the proceeds are to be used for any private activity business use, **and**
- More than 10% of the payment of principal or interest of the issue is **either (a)** secured by an interest in property to be used for a private business use (or payments for such property) **or (b)** to be derived from payments for property (or borrowed money) used for a private business use.

It also includes a bond, the proceeds of which **(a)** are to be used directly or indirectly to make or finance loans (other than loans described in section 141(c)(2)) to persons other than governmental units and **(b)** exceeds the lesser of 5% of the proceeds **or** \$5 million.

Issue price. The issue price of obligations is generally determined under Regulations section 1.148-1(b). Thus, when issued for cash, the issue price is the first price at which a substantial amount of the obligations are sold to the public. To determine the issue price of an obligation issued for property, see sections 1273 and 1274 and the related regulations.

Issue. Generally, obligations are treated as part of the same issue if they are issued by the same issuer, on the same date, and in a single transaction, or a series of related transactions. However, obligations issued during the same calendar year **(a)** under a loan agreement under which amounts are to be advanced periodically (a “draw-down loan”) or **(b)** with a term not exceeding 270 days, may be treated as part of the same issue if the obligations are equally and ratably secured under a single indenture or loan agreement and are issued under a common financing arrangement (for example, under the same official statement periodically updated to reflect changing factual circumstances). Also, for obligations issued under a draw-down loan that meet the requirements of the preceding sentence, obligations issued during different calendar years may be treated as part of the same issue if all of the amounts to be advanced under the draw-down loan are reasonably expected to be advanced within 3 years of the date of issue of the first obligation. Likewise, obligations (other than private activity bonds) issued under a single agreement that is in the form of a lease or installment sale may be treated as part of the same issue if all of the property covered by that agreement is reasonably expected to be delivered within 3 years of the date of issue of the first obligation.

Arbitrage rebate. Generally, interest on a state or local bond is not tax-exempt unless the issuer of the bond rebates to the United States arbitrage profits earned from investing proceeds of the bond in higher yielding nonpurpose investments. See section 148(f).

Construction issue. This is an issue of tax-exempt bonds that meets both of the following conditions:

1. At least 75% of the available construction proceeds are to be used for construction expenditures with respect to property to be owned by a governmental unit or a section 501(c)(3) organization, **and**
2. All the bonds that are part of the issue are qualified 501(c)(3) bonds, bonds that are not private activity bonds, or private activity bonds issued to finance property to be owned by a governmental unit or a section 501(c)(3) organization.

In lieu of rebating any arbitrage that may be owed to the United States, the issuer of a construction issue may make an irrevocable election to pay a penalty. The penalty is equal to 1½% of the amount of construction proceeds that do not meet certain spending requirements. See section 148(f)(4)(C) and the Instructions for Form 8038-T.

Specific Instructions

Part I—Reporting Authority

Amended return. An issuer may file an amended return to change or add to the information reported on a previously filed

return for the same date of issue. If you are filing to correct errors or change a previously filed return, check the *Amended Return* box in the heading of the form.

The amended return must provide all the information reported on the original return, in addition to the new or corrected information. Attach an explanation of the reason for the amended return and write across the top, “Amended Return Explanation.” Failure to attach an explanation may result in a delay in processing the form.

Line 1. The issuer’s name is the name of the entity issuing the obligations, not the name of the entity receiving the benefit of the financing. For a lease or installment sale, the issuer is the lessee or the purchaser.

Line 2. An issuer that does not have an employer identification number (EIN) should apply for one on Form SS-4, Application for Employer Identification Number. You can get this form on the IRS website at IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676). You may receive an EIN by telephone by following the instructions for Form SS-4.

Line 3a. If the issuer wishes to authorize a person other than an officer or other employee of the issuer (including a legal representative or paid preparer) to communicate with the IRS and whom the IRS may contact about this return (including in writing or by telephone), enter the name of such person here. The person listed in line 3a must be an individual. Do not enter the name and title of an officer or other employee of the issuer here (use line 10a for that purpose).

Note. By authorizing a person other than an authorized officer or other employee of the issuer to communicate with the IRS and whom the IRS may contact about this return, the issuer authorizes the IRS to communicate directly with the individual entered on line 3a and consents to disclose the issuer’s return information to that individual, as necessary, to process this return.

Lines 4 and 6. If you listed an individual on line 3a to communicate with the IRS and whom the IRS may contact about this return, enter the number and street (or P.O. box if mail is not delivered to street address), city, town, or post office, state, and ZIP code of that person. Otherwise, enter the issuer’s number and street (or P.O. box if mail is not delivered to street address), city, town, or post office, state, and ZIP code.

Note. The address entered on lines 4 and 6 is the address the IRS will use for all written communications regarding the processing of this return, including any notices.

Line 5. This line is for IRS use only. Do not make any entries in this box.

Line 7. The date of issue is generally the date on which the issuer physically

exchanges the bonds that are part of the issue for the underwriter’s (or other purchaser’s) funds. For a lease or installment sale, enter the date interest starts to accrue in a MM/DD/YYYY format.

Line 8. If there is no name of the issue, please provide other identification of the issue.

Line 9. Enter the CUSIP (Committee on Uniform Securities Identification Procedures) number of the bond with the latest maturity. If the issue does not have a CUSIP number, write “None.”

Line 10a. Enter the name and title of the officer or other employee of the issuer whom the IRS may call for more information. If the issuer wishes to designate a person other than an officer or other employee of the issuer (including a legal representative or paid preparer) whom the IRS may call for more information about the return, enter the name, title, and telephone number of such person on lines 3a and 3b.



Complete lines 10a and 10b even if you complete lines 3a and 3b.

Part II—Type of Issue



Elections referred to in Part II are made on the original bond documents, not on this form.

Identify the type of obligations issued by entering the corresponding issue price (see *Issue price* under *Definitions* earlier). Attach a schedule listing names and EINs of organizations that are to use proceeds of these obligations, if different from those of the issuer, include a brief summary of the use and indicate whether or not such user is a governmental or nongovernmental entity.

Line 18. Enter a description of the issue in the space provided.

Line 19. If the obligations are short-term tax anticipation notes or warrants (TANs) or short-term revenue anticipation notes or warrants (RANs), check box 19a. If the obligations are short-term bond anticipation notes (BANs), issued with the expectation that they will be refunded with the proceeds of long-term bonds at some future date, check box 19b. Do not check both boxes.

Line 20. Check this box if property other than cash is exchanged for the obligation, for example, acquiring a police car, a fire truck, or telephone equipment through a series of monthly payments. (This type of obligation is sometimes referred to as a “municipal lease.”) Also check this box if real property is directly acquired in exchange for an obligation to make periodic payments of interest and principal. **Do not** check this box if the proceeds of the obligation are received in the form of cash, even if the term “lease” is used in the title of the issue.

Part III—Description of Obligations

Line 21. For column (a), the final maturity date is the last date the issuer must redeem the entire issue.

For column (b), see *Issue price* under *Definitions* earlier.

For column (c), the stated redemption price at maturity of the entire issue is the sum of the stated redemption prices at maturity of each bond issued as part of the issue. For a lease or installment sale, write "N/A" in column (c).

For column (d), the weighted average maturity is the sum of the products of the issue price of each maturity and the number of years to maturity (determined separately for each maturity and by taking into account mandatory redemptions), divided by the issue price of the entire issue (from line 21, column (b)). For a lease or installment sale, enter instead the total number of years the lease or installment sale will be outstanding.

For column (e), the yield, as defined in section 148(h), is the discount rate that, when used to compute the present value of all payments of principal and interest to be paid on the obligation, produces an amount equal to the purchase price, including accrued interest. See Regulations section 1.148-4 for specific rules to compute the yield on an issue. If the issue is a variable rate issue, write "VR" as the yield of the issue. For other than variable rate issues, carry the yield out to four decimal places (for example, 5.3125%). If the issue is a lease or installment sale, enter the effective rate of interest being paid.

Part IV—Uses of Proceeds of Bond Issue

For a lease or installment sale, write "N/A" in the space to the right of the title for Part IV.

Line 22. Enter the amount of proceeds that will be used to pay interest from the date the bonds are dated to the date of issue.

Line 24. Enter the amount of the proceeds that will be used to pay bond issuance costs, including fees for trustees and bond counsel. If no bond proceeds will be used to pay bond issuance costs, enter zero. Do not leave this line blank.

Line 25. Enter the amount of the proceeds that will be used to pay fees for credit enhancement that are taken into account in determining the yield on the issue for purposes of section 148(h) (for example, bond insurance premiums and certain fees for letters of credit).

Line 26. Enter the amount of proceeds that will be allocated to such a fund.

Line 27. Enter the amount of the proceeds that will be used to pay principal, interest, or call premium on any other issue of bonds within 90 days of the date of issue.

Line 28. Enter the amount of the proceeds that will be used to pay

principal, interest, or call premium on any other issue of bonds after 90 days of the date of issue, including proceeds that will be used to fund an escrow account for this purpose.

Part V—Description of Refunded Bonds

Complete this part only if the bonds are to be used to refund a prior issue of tax-exempt bonds. For a lease or installment sale, write "N/A" in the space to the right of the title for Part V.

Lines 31 and 32. The remaining weighted average maturity is determined without regard to the refunding. The weighted average maturity is determined in the same manner as on line 21, column (d).

Line 34. If more than a single issue of bonds will be refunded, enter the date of issue of each issue. Enter the date in an MM/DD/YYYY format.

Part VI—Miscellaneous

Line 35. An allocation of volume cap is required if the nonqualified amount for the issue is more than \$15 million but is not more than the amount that would cause the issue to be private activity bonds.

Line 36. If any portion of the gross proceeds of the issue is or will be invested in a guaranteed investment contract (GIC), as defined in Regulations section 1.148-1(b), enter the amount of the gross proceeds so invested, as well as the final maturity date of the GIC and the name of the provider of such contract.

Line 37. Enter the amount of the proceeds of this issue used to make a loan to another governmental unit, the interest of which is tax-exempt.

Line 38. If the issue is a loan of proceeds from another tax-exempt issue, check the box and enter the date of issue, EIN, and name of issuer of the master pool obligation.

Line 40. Check this box if the issue is a construction issue and an irrevocable election to pay a penalty in lieu of arbitrage rebate has been made on or before the date the bonds were issued. The penalty is payable with a Form 8038-T for each 6-month period after the date the bonds are issued. Do not make any payment of penalty in lieu of arbitrage rebate with this form. See Rev. Proc. 92-22, 1992-1 C.B. 736 for rules regarding the "election document."

Line 41a. Check this box if the issuer has identified a hedge on its books and records according to Regulations sections 1.148-4(h)(2)(viii) and 1.148-4(h)(5) that permit an issuer of tax-exempt bonds to identify a hedge for it to be included in yield calculations for computing arbitrage.

Line 42. In determining if the issuer has super-integrated a hedge, apply the rules of Regulations section 1.148-4(h)(4). If the hedge is super-integrated, check the box.

Line 43. If the issuer takes a "deliberate action" after the issue date that causes

the conditions of the private business tests or the private loan financing test to be met, then such issue is also an issue of private activity bonds. Regulations section 1.141-2(d)(3) defines a deliberate action as any action taken by the issuer that is within its control regardless of whether there is intent to violate such tests. Regulations section 1.141-12 explains the conditions to taking remedial action that prevent an action that causes an issue to meet the private business tests or private loan financing test from being treated as a deliberate action. Check the box if the issuer has established written procedures to ensure timely remedial action for all nonqualified bonds according to Regulations section 1.141-12 or other remedial actions authorized by the Commissioner under Regulations section 1.141-12(h).

Line 44. Check the box if the issuer has established written procedures to monitor compliance with the arbitrage, yield restriction, and rebate requirements of section 148.

Line 45a. Check the box if some part of the proceeds was used to reimburse expenditures. Figure and then enter the amount of proceeds that are used to reimburse the issuer for amounts paid for a qualified purpose prior to the issuance of the bonds. See Regulations section 1.150-2.

Line 45b. An issuer must adopt an official intent to reimburse itself for preissuance expenditures within 60 days after payment of the original expenditure unless excepted by Regulations section 1.150-2(f). Enter the date the official intent was adopted. See Regulations section 1.150-2(e) for more information about official intent.

Signature and Consent

An authorized representative of the issuer must sign Form 8038-G and any applicable certification. Also print the name and title of the person signing Form 8038-G. The authorized representative of the issuer signing this form must have the authority to consent to the disclosure of the issuer's return information, as necessary to process this return, to the person(s) that have been designated in Form 8038-G.

Note. If the issuer in Part 1, lines 3a and 3b authorizes the IRS to communicate (including in writing and by telephone) with a person other than an officer or other employee of the issuer, by signing this form, the issuer's authorized representative consents to the disclosure of the issuer's return information, as necessary to process this return, to such person.

Paid Preparer

If an authorized officer of the issuer filled in this return, the paid preparer's space should remain blank. Anyone who prepares the return but does not charge the organization should not sign the return. Certain others who prepare the

return should not sign. For example, a regular, full-time employee of the issuer, such as a clerk, secretary, etc., should not sign.

Generally, anyone who is paid to prepare a return must sign it and fill in the other blanks in the *Paid Preparer Use Only* area of the return.

The paid preparer must:

- Sign the return in the space provided for the preparer's signature (a facsimile signature is acceptable),
- Enter the preparer information, and
- Give a copy of the return to the issuer.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us

the information. We need it to ensure that you are complying with these laws.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form varies depending on individual circumstances. The estimated average time is:

Learning about the law or the form	2 hr., 41 min.
Preparing, copying, assembling, and sending the form to the IRS	3 hr., 3 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:M:S, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. **Do not** send the form to this office. Instead, see *Where To File*.

Information Return for Tax-Exempt Governmental Obligations

► Under Internal Revenue Code section 149(e)
► See separate instructions.
Caution: If the issue price is under \$100,000, use Form 8038-GC.

OMB No. 1545-0720

Part I Reporting Authority		If Amended Return, check here <input type="checkbox"/>	
1 Issuer's name		2 Issuer's employer identification number (EIN)	
3a Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions)		3b Telephone number of other person shown on 3a	
4 Number and street (or P.O. box if mail is not delivered to street address)	Room/suite	5 Report number (For IRS Use Only)	
6 City, town, or post office, state, and ZIP code		7 Date of issue	
8 Name of issue		9 CUSIP number	
10a Name and title of officer or other employee of the issuer whom the IRS may call for more information (see instructions)		10b Telephone number of officer or other employee shown on 10a	

Part II Type of Issue (enter the issue price). See the instructions and attach schedule.			
11 Education		11	
12 Health and hospital		12	
13 Transportation		13	
14 Public safety		14	
15 Environment (including sewage bonds)		15	
16 Housing		16	
17 Utilities		17	
18 Other. Describe ►		18	
19 If obligations are TANs or RANs, check only box 19a	► <input type="checkbox"/>		
If obligations are BANs, check only box 19b	► <input type="checkbox"/>		
20 If obligations are in the form of a lease or installment sale, check box	► <input type="checkbox"/>		

Part III Description of Obligations. Complete for the entire issue for which this form is being filed.					
	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21		\$	\$	years	%

Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)				
22	Proceeds used for accrued interest		22	
23	Issue price of entire issue (enter amount from line 21, column (b))		23	
24	Proceeds used for bond issuance costs (including underwriters' discount)	24		
25	Proceeds used for credit enhancement	25		
26	Proceeds allocated to reasonably required reserve or replacement fund	26		
27	Proceeds used to currently refund prior issues	27		
28	Proceeds used to advance refund prior issues	28		
29	Total (add lines 24 through 28)		29	
30	Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)		30	

Part V Description of Refunded Bonds. Complete this part only for refunding bonds.			
31	Enter the remaining weighted average maturity of the bonds to be currently refunded	►	years
32	Enter the remaining weighted average maturity of the bonds to be advance refunded	►	years
33	Enter the last date on which the refunded bonds will be called (MM/DD/YYYY)	►	
34	Enter the date(s) the refunded bonds were issued ► (MM/DD/YYYY)		

Part VI Miscellaneous

- | | | |
|------------|--|--|
| 35 | | |
| 36a | | |
| 37 | | |
- 35** Enter the amount of the state volume cap allocated to the issue under section 141(b)(5)
- 36a** Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC) (see instructions)
- b** Enter the final maturity date of the GIC ▶ _____
- c** Enter the name of the GIC provider ▶ _____
- 37** Pooled financings: Enter the amount of the proceeds of this issue that are to be used to make loans to other governmental units
- 38a** If this issue is a loan made from the proceeds of another tax-exempt issue, check box ☐ and enter the following information:
- b** Enter the date of the master pool obligation ▶ _____
- c** Enter the EIN of the issuer of the master pool obligation ▶ _____
- d** Enter the name of the issuer of the master pool obligation ▶ _____
- 39** If the issuer has designated the issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check box ☐
- 40** If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box ☐
- 41a** If the issuer has identified a hedge, check here ☐ and enter the following information:
- b** Name of hedge provider ▶ _____
- c** Type of hedge ▶ _____
- d** Term of hedge ▶ _____
- 42** If the issuer has superintegrated the hedge, check box ☐
- 43** If the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated according to the requirements under the Code and Regulations (see instructions), check box ☐
- 44** If the issuer has established written procedures to monitor the requirements of section 148, check box ☐
- 45a** If some portion of the proceeds was used to reimburse expenditures, check here ☐ and enter the amount of reimbursement ▶ _____
- b** Enter the date the official intent was adopted ▶ _____

Signature and Consent

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.

▶ _____ Date _____ ▶ _____
 Signature of issuer's authorized representative Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN
Firm's name ▶ _____			Firm's EIN ▶ _____	
Firm's address ▶ _____			Phone no. _____	

ESCROW AGREEMENT

THIS ESCROW AGREEMENT ("*Escrow Agreement*") is made as of July 29, 2015 by and among U.S. Bancorp Government Leasing and Finance, Inc. ("*Lessor*"), West Valley City, Utah ("*Lessee*") and U.S. BANK NATIONAL ASSOCIATION, as escrow agent ("*Escrow Agent*").

Lessor and Lessee have heretofore entered into that certain Master Tax-Exempt Lease/Purchase Agreement dated as of April 02, 2015 (the "*Master Agreement*") and a Property Schedule No. 2 thereto dated July 29, 2015 (the "*Schedule*") and, together with the terms and conditions of the Master Agreement incorporated therein, the "*Agreement*"). The Schedule contemplates that certain personal property described therein (the "*Equipment*") is to be acquired from the vendor(s) or manufacturer(s) thereof (the "*Vendor*"). After acceptance of the Equipment by Lessee, the Equipment is to be financed by Lessor to Lessee pursuant to the terms of the Agreement.

The Master Agreement further contemplates that Lessor will deposit an amount equal to the anticipated aggregate acquisition cost of the Equipment (the "*Purchase Price*"), being \$425,000.00, with Escrow Agent to be held in escrow and applied on the express terms set forth herein. Such deposit, together with all interest and other additions received with respect thereto (hereinafter the "*Escrow Fund*") is to be applied to pay the Vendor its invoice cost (a portion of which may, if required, be paid prior to final acceptance of the Equipment by Lessee); and, if applicable, to reimburse Lessee for progress payments already made by it to the Vendor of the Equipment.

The parties desire to set forth the terms on which the Escrow Fund is to be created and to establish the rights and responsibilities of the parties hereto.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Escrow Agent hereby agrees to serve as escrow agent upon the terms and conditions set forth herein. The moneys and investments held in the Escrow Fund are for the benefit of Lessee and Lessor, and such moneys, together with any income or interest earned thereon, shall be expended only as provided in this Escrow Agreement, and shall not be subject to levy or attachment or lien by or for the benefit of any creditor of either Lessee or Lessor. Lessor, Lessee and Escrow Agent intend that the Escrow Fund constitute an escrow account in which Lessee has no legal or equitable right, title or interest until satisfaction in full of all conditions contained herein for the disbursement of funds by the Escrow Agent therefrom. However, if the parties' intention that Lessee shall have no legal or equitable right, title or interest until all conditions for disbursement are satisfied in full is not respected in any legal proceeding, the parties hereto intend that Lessor have a security interest in the Escrow Fund, and such security interest is hereby granted by Lessee to secure payment of all sums due to Lessor under the Master Agreement. For such purpose, Escrow Agent hereby agrees to act as agent for Lessor in connection with the perfection of such security interest and agrees to note, or cause to be noted, on all books and records relating to the Escrow Fund, the Lessor's interest therein.

2. On such day as is determined to the mutual satisfaction of the parties (the "*Closing Date*"), Lessor shall deposit with Escrow Agent cash in the amount of the Purchase Price, to be held in escrow by Escrow Agent on the express terms and conditions set forth herein.

On the Closing Date, Escrow Agent agrees to accept the deposit of the Purchase Price by Lessor, and further agrees to hold the amount so deposited together with all interest and other additions received with respect thereto, as the Escrow Fund hereunder, in escrow on the express terms and conditions set forth herein.

3. Escrow Agent shall at all times segregate the Escrow Fund into an account maintained for that express purpose, which shall be clearly identified on the books and records of Escrow Agent as being held in its capacity as Escrow Agent. Securities and other negotiable instruments comprising the Escrow Fund from time to time shall be held or registered in the name of Escrow Agent (or its nominee). The Escrow Fund shall not, to the extent permitted by applicable law, be subject to levy or attachment or lien by or for the benefit of any creditor of any of the parties hereto (except with respect to the security interest therein held by Lessor).

4. The cash comprising the Escrow Fund from time to time shall be invested and reinvested by Escrow Agent in one or more investments as directed by Lessee. Absent written direction from Lessee, the cash will be invested in the U.S. Bank National Association Money Market Deposit Fund. See Exhibit 1 Investment Direction Letter. Lessee represents and warrants to Escrow Agent and Lessor that the investments selected by Lessee for investment of the Escrow Fund are permitted investments for Lessee under all applicable laws. Escrow Agent will use due diligence to collect amounts payable under a check or other instrument for the payment of money comprising the Escrow Fund and shall promptly notify Lessee and Lessor in the event of dishonor of payment under any such check or other instruments. Interest or other amounts earned and received by Escrow Agent with respect to the Escrow Fund shall be deposited in and comprise a part of the Escrow Fund. Escrow Agent shall maintain accounting records sufficient to permit calculation of the income on investments and interest earned on deposit of amounts held in the Escrow Fund. The parties acknowledge that to the extent regulations of the Comptroller of Currency or other applicable regulatory entity grant a right to receive brokerage confirmations of security transactions of the escrow, the parties waive receipt of such confirmations, to the extent permitted by law. The Escrow Agent shall furnish a statement of security transactions on its regular monthly reports. Attached as Exhibit 6 is the Class Action Negative Consent Letter to be reviewed by Lessee.

5. Upon request by Lessee and Lessor, Escrow Agent shall send monthly statements of account to Lessee and Lessor, which statements shall set forth all withdrawals from and interest earnings on the Escrow Fund as well as the investments in which the Escrow Fund is invested.

6. Escrow Agent shall take the following actions with respect to the Escrow Fund:

(a) Upon Escrow Agent's acceptance of the deposit of the Purchase Price, an amount equal to Escrow Agent's set-up fee, as set forth on Exhibit 2 hereto, shall be disbursed from the Escrow Fund to Escrow Agent in payment of such fee.

(b) Escrow Agent shall pay costs of the Equipment upon receipt of a duly executed Requisition Request (substantially in the format of Exhibit 3) signed by Lessor and Lessee. Lessor's authorized signatures are provided in Exhibit 5. Lessee's authorized signatures will be provided in Exhibit 3 of Master Lease Purchase Agreement. Escrow Agent will use best efforts to process requests for payment within one (1) business day of receipt of requisitions received prior to 2:00 p.m. Central Time. The final Requisition shall be accompanied by a duly executed Acceptance Certificate form attached as Exhibit 4 hereto.

(c) Upon receipt by Escrow Agent of written notice from Lessor that an Event of Default or an Event of Nonappropriation (if provided for under the Master Agreement) has occurred under the Agreement, all funds then on deposit in the Escrow Fund shall be paid to Lessor for application in accordance with the Master Agreement, and this Escrow Agreement shall terminate.

(d) Upon receipt by Escrow Agent of written notice from Lessor that the purchase price of the Equipment has been paid in full, Escrow Agent shall pay the funds then on deposit in the Escrow Fund to Lessor to be applied first to the next Lease Payment due under the Master Agreement, and second, to prepayment of the principal component of Lease Payments in inverse order of maturity without premium. To the extent the Agreement is not subject to prepayment, Lessor consents to such prepayment to the extent of such prepayment amount from the Escrow Fund. Upon disbursement of all amounts in the Escrow Fund, this Escrow Agreement shall terminate.

(e) This Escrow Agreement shall terminate eighteen (18) months from the date of this Escrow Agreement. It may, however, be extended by mutual consent of Lessee and Lessor in writing to Escrow Agent. All funds on deposit in the Escrow Fund at the time of termination under this paragraph, unless otherwise directed by Lessee in writing (electronic means acceptable), shall be transferred to Lessor.

7. The fees and expenses, including any legal fees, of Escrow Agent incurred in connection herewith shall be the responsibility of Lessee. The basic fees and expenses of Escrow Agent shall be as set forth on Exhibit 2 and Escrow Agent is hereby authorized to deduct such fees and expenses from the Escrow Fund as and when the same are incurred without any further authorization from Lessee or Lessor. Escrow Agent may employ

legal counsel and other experts as it deems necessary for advice in connection with its obligations hereunder. Escrow Agent waives any claim against Lessor with respect to compensation hereunder.

8. Escrow Agent shall have no liability for acting upon any written instruction presented by Lessor in connection with this Escrow Agreement, which Escrow Agent in good faith believes to be genuine. Furthermore, Escrow Agent shall not be liable for any act or omission in connection with this Escrow Agreement except for its own negligence, willful misconduct or bad faith. Escrow Agent shall not be liable for any loss or diminution in value of the Escrow Fund as a result of the investments made by Escrow Agent.

9. Escrow Agent may resign at any time by giving thirty (30) days' prior written notice to Lessor and Lessee. Lessor may at any time remove Escrow Agent as Escrow Agent under this Escrow Agreement upon written notice. Such removal or resignation shall be effective on the date set forth in the applicable notice. Upon the effective date of resignation or removal, Escrow Agent will transfer the Escrow Fund to the successor Escrow Agent selected by Lessor.

10. Lessee hereby represents, covenants and warrants that pursuant to Treasury Regulations Section 1.148-7(d), the gross proceeds of the Agreement will be expended for the governmental purposes for which the Agreement was entered into, as follows: at least 15% within six months after the Commencement Date, such date being the date of deposit of funds into the Escrow Fund, at least 60% within 12 months after the Commencement Date, and 100% within 18 months after the Commencement Date. If Lessee is unable to comply with Section 1.148-7(d) of the Treasury Regulations, Lessee shall, at its sole expense and cost, compute rebatable arbitrage on the Agreement and pay rebatable arbitrage to the United States at least once every five years, and within 60 days after payment of the final rental or Lease Payment due under the Agreement.

11. In the event of any disagreement between the undersigned or any of them, and/or any other person, resulting in adverse claims and demands being made in connection with or for any moneys involved herein or affected hereby, Escrow Agent shall be entitled at its option to refuse to comply with any such claim or demand, so long as such disagreement shall continue, and in so refusing Escrow Agent may refrain from making any delivery or other disposition of any moneys involved herein or affected hereby and in so doing Escrow Agent shall not be or become liable to the undersigned or any of them or to any person or party for its failure or refusal to comply with such conflicting or adverse demands, and Escrow Agent shall be entitled to continue so to refrain and refuse so to act until:

(a) the rights of the adverse claimants have been finally adjudicated in a court assuming and having jurisdiction of the parties and the moneys involved herein or affected hereby; or

(b) all differences shall have been adjusted by Master Agreement and Escrow Agent shall have been notified thereof in writing signed by all of the persons interested.

12. All notices (excluding billings and communications in the ordinary course of business) hereunder shall be in writing, and shall be sufficiently given and served upon the other party if delivered (a) personally, (b) by United States registered or certified mail, return receipt requested, postage prepaid, (c) by an overnight delivery by a service such as Federal Express or Express Mail from which written confirmation of overnight delivery is available, or (d) by facsimile with a confirmation copy by regular United States mail, postage prepaid, addressed to the other party at its respective address stated below the signature of such party or at such other address as such party shall from time to time designate in writing to the other party, and shall be effective from the date of mailing.

13. This Escrow Agreement shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns. No rights or obligations of Escrow Agent under this Escrow Agreement may be assigned without the prior written consent of Lessor.

14. This Escrow Agreement shall be governed by and construed in accordance with the laws in the state of the Escrow Agent's location. This Escrow Agreement constitutes the entire Agreement between the parties hereto with respect to the subject matter hereof, and no waiver, consent, modification or change of terms hereof shall bind any party unless in writing signed by all parties.

15. This Escrow Agreement and any written direction may be executed in two or more counterparts, which when so executed shall constitute one and the same agreement or direction.

IN WITNESS WHEREOF, the parties hereto have caused this Escrow Agreement to be duly executed as of the day and year first above set forth.

U.S. Bancorp Government Leasing and Finance, Inc., as Lessor
By:
Name:
Title:
Address: 13010 SW 68 th Parkway, Suite 100 Portland, OR 97223

West Valley City, Utah, as Lessee
By:
Name:
Title:
Address: 3600 Constitution Blvd West Valley City, Utah 84119

U.S. BANK NATIONAL ASSOCIATION, as Escrow Agent
By:
Name:
Title:
Address: U.S. Bank National Association 950 17 th Street, 12 th Floor Denver, CO 80202

EXHIBIT 1

U.S. BANK NATIONAL ASSOCIATION MONEY MARKET ACCOUNT AUTHORIZATION FORM DESCRIPTION AND TERMS

The U.S. Bank Money Market account is a U.S. Bank National Association ("U.S. Bank") interest-bearing money market deposit account designed to meet the needs of U.S. Bank's Corporate Trust Services Escrow Group and other Corporate Trust customers of U.S. Bank. Selection of this investment includes authorization to place funds on deposit and invest with U.S. Bank.

U.S. Bank uses the daily balance method to calculate interest on this account (actual/365 or 366). This method applies a daily periodic rate to the principal balance in the account each day. Interest is accrued daily and credited monthly to the account. Interest rates are determined at U.S. Bank's discretion, and may be tiered by customer deposit amount.

The owner of the account is U.S. Bank as Agent for its trust customers. U.S. Bank's trust department performs all account deposits and withdrawals. Deposit accounts are FDIC Insured per depositor, as determined under FDIC Regulations, up to applicable FDIC limits.

U.S. BANK, WHEN ACTING AS AN INDENTURE TRUSTEE OR IN A SIMILAR CAPACITY, IS NOT REQUIRED TO REGISTER AS A MUNICIPAL ADVISOR WITH THE SECURITIES AND EXCHANGE COMMISSION FOR PURPOSES OF COMPLYING WITH THE DODD-FRANK WALL STREET REFORM & CONSUMER PROTECTION ACT. INVESTMENT ADVICE, IF NEEDED, SHOULD BE OBTAINED FROM YOUR FINANCIAL ADVISOR.

AUTOMATIC AUTHORIZATION

In the absence of specific written direction to the contrary, U.S. Bank is hereby directed to invest and reinvest proceeds and other available moneys in the U.S. Bank Money Market Account. The U.S. Bank Money Market Account is a permitted investment under the operative documents and this authorization is the permanent direction for investment of the moneys until notified in writing of alternate instructions.

West Valley City, Utah

Company Name

Signature of Authorized Directing Party

Trust Account Number – includes existing and future sub-accounts unless otherwise directed

Title/Date

EXHIBIT 2

Schedule of Fees for Services as Escrow Agent For West Valley City, Utah Equipment Lease Purchase Escrow

CTS01010A	Acceptance Fee The acceptance fee includes the administrative review of documents, initial set-up of the account, and other reasonably required services up to and including the closing. This is a one-time, non-refundable fee, payable at closing.	WAIVED
CTS04460	Escrow Agent Annual fee for the standard escrow agent services associated with the administration of the account. Administration fees are payable in advance.	WAIVED
	Direct Out of Pocket Expenses Reimbursement of expenses associated with the performance of our duties, including but not limited to publications, legal counsel after the initial close, travel expenses and filing fees.	At Cost
	Extraordinary Services Extraordinary Services are duties or responsibilities of an unusual nature, including termination, but not provided for in the governing documents or otherwise set forth in this schedule. A reasonable charge will be assessed based on the nature of the services and the responsibility involved. At our option, these charges will be billed at a flat fee or at our hourly rate then in effect.	

Account approval is subject to review and qualification. Fees are subject to change at our discretion and upon written notice. Fees paid in advance will not be prorated. The fees set forth above and any subsequent modifications thereof are part of your agreement. Finalization of the transaction constitutes agreement to the above fee schedule, including agreement to any subsequent changes upon proper written notice. In the event your transaction is not finalized, any related out-of-pocket expenses will be billed to you directly. Absent your written instructions to sweep or otherwise invest, all sums in your account will remain uninvested and no accrued interest or other compensation will be credited to the account. Payment of fees constitutes acceptance of the terms and conditions set forth.

IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT:

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify and record information that identifies each person who opens an account.

For a non-individual person such as a business entity, a charity, a Trust or other legal entity we will ask for documentation to verify its formation and existence as a legal entity. We may also ask to see financial statements, licenses, identification and authorization documents from individuals claiming authority to represent the entity or other relevant documentation.

EXHIBIT 3
REQUISITION REQUEST

The Escrow Agent is hereby requested to pay from the Escrow Fund established and maintained under that certain Escrow Agreement dated as of July 29, 2015 (the "*Escrow Agreement*") by and among U.S. Bancorp Government Leasing and Finance, Inc. (the "*Lessor*"), West Valley City, Utah (the "*Lessee*"), and U.S. Bank National Association (the "*Escrow Agent*"), the amount set forth below to the named payee(s). The amount shown is due and payable under a purchase order or contract (or has been paid by and not previously reimbursed to Lessee) with respect to equipment being financed under that certain Master Tax-Exempt Lease Purchase Agreement dated as of April 02, 2015 (the "*Master Agreement*") and Property Schedule No. 2 thereto dated July 29, 2015 (the "*Schedule*") and, together with the terms and conditions of the Master Agreement incorporated therein, the "*Agreement*"), by and between the Lessor and the Lessee, and has not formed the basis of any prior requisition request.

PAYEE	AMOUNT	INVOICE NO.	EQUIPMENT

Total requisition amount \$ _____

The undersigned, as Lessee under the Master Agreement, hereby certifies:

1. The items of the Equipment being acquired with the proceeds of this disbursement have been delivered and installed at the location(s) contemplated by the Master Agreement. The Lessee has conducted such inspection and/or testing of the Equipment being acquired with the proceeds of this disbursement as it deems necessary and appropriate, and such Equipment has been accepted by Lessee.
2. The costs of the Equipment to be paid from the proceeds of this disbursement have been properly incurred, are a proper charge against the Escrow Fund and have not been the basis of any previous disbursement.
3. No part of the disbursement requested hereby will be used to pay for materials not yet incorporated into the Equipment or for services not yet performed in connection therewith.
4. The Equipment is covered by insurance in the types and amounts required by the Agreement.
5. No Event of Default or Event of Nonappropriation (if applicable), as each such term is defined in the Master Agreement, and no event which with the giving of notice or lapse of time, or both, would become such an Event of Default or Event of Nonappropriation has occurred and is continuing on the date hereof.
6. If Lessee paid an invoice prior to the commencement date of the Master Agreement, and is requesting reimbursement for such payment, Lessee has satisfied the requirements for reimbursement set forth in Treas. Reg. §1.150-2.

Request Date: _____

Lessor: U.S. Bancorp Government Leasing and Finance, Inc.
By:
Name:
Title:

Lessee: West Valley City, Utah
By:
Name:
Title:

Exhibit 4

Final Acceptance Certificate

U.S. Bancorp Government Leasing and Finance, Inc.
13010 SW 68th Parkway, Suite 100
Portland, OR 97223

Re: **Property Schedule No. 2** to Master Tax-Exempt Lease/Purchase Agreement between U.S. Bancorp Government Leasing and Finance, Inc. and West Valley City, Utah

Ladies and Gentlemen:

In accordance with the above-referenced Master Tax-Exempt Lease/Purchase Agreement (the "Master Agreement"), the undersigned ("Lessee") hereby certifies and represents to, and agrees with, U.S. Bancorp Government Leasing and Finance, Inc. ("Lessor"), as follows:

- (1) The Property, as such terms are defined in the above-referenced Property Schedule, has been acquired, made, delivered, installed and accepted on the date indicated below.
- (2) Lessee has conducted such inspection and/or testing of the Property as it deems necessary and appropriate and hereby acknowledges that it accepts the Property for all purposes.
- (3) No event or condition that constitutes, or with notice or lapse of time, or both, would constitute, an Event of Default or a Nonappropriation Event (as such terms are defined in the Master Agreement) exists at the date hereof.

Acceptance Date: _____

Lessee: West Valley City, Utah
By:
Name:
Title:

Exhibit 6

Class Action Negative Consent Letter

July 29, 2015

West Valley City, Utah
3600 Constitution Blvd
West Valley City, Utah 84119

RE: USBGLF/West Valley City, Utah - - Class Action Litigation Claims

Dear James Welch:

U.S. Bank National Association ("U.S. Bank") has established its policies and procedures relative to class action litigation claims filed on behalf of its clients' accounts. This policy may impact future claims filed by U.S. Bank on behalf of the above-referenced account. Listed below are the policies regarding class action litigation claims:

1. U.S. Bank will file class action litigation claims, at no charge, on behalf of open, eligible agency or custody accounts upon receipt of proper documented authorization. This notice, with your ability to opt out as further described below, constitutes such documented authorization.
2. U.S. Bank will not file claims for agency or custody accounts that were open during the class action period but were closed prior to receipt of any notice of the class action litigation.
3. Assuming requisite information is provided by the payor to identify the applicable account, settlement proceeds of the class action litigation will be posted within a reasonable time following receipt of such proceeds to the entitled accounts that are open at such time. If entitled accounts are closed prior to distribution and receipt of settlement proceeds, they will be remitted to entitled beneficiaries or successors of the account net of any research and filing fees. Proceeds, less any research and filing fees, will be escheated if the entitled beneficiaries or successors of the account cannot be identified /located.

If you wish U.S. Bank to continue to file class action litigation proofs of claim on behalf of your account, you do not need to take any further action. However, if you do not wish U.S. Bank to file class action proofs of claim on behalf of your account, you may notify us of this election by returning this letter with your signature and date provided below within 30 days or by filing a separate authorization letter with your Account Manager by the same date.

The authorization and understanding contained in this communication constitutes an amendment of any applicable provisions of the account document for the above-referenced account.

If you have any questions, please contact me at the below number.

Sincerely,

Jennifer Petruno
Vice President
303-585-4597

☐ No, U.S. Bank is not authorized to file class action litigation proofs of claim on behalf of the above-referenced account(s). By making this election, I acknowledge that U.S. Bank is not responsible for forwarding notices received on class action or litigation claims.

Authorized Signer

Date

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number										
				-			-			

or

Employer identification number										
				-						

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign
Here

Signature of
U.S. person ▶

Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. Individual. Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. Sole proprietor or single-member LLC. Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation. Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. Other entities. Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. Disregarded entity. For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number to Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i) (A))	The grantor ⁴
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i) (B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, *Identity Theft Prevention and Victim Assistance*.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

**FIRST PAYMENT INVOICE**

Government Leasing and Finance, Inc.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

SCHEDULE NUMBER: 077-0019717-002

DUE DATE: July 29, 2015

CREATE DATE: July 10, 2015

AMOUNT DUE: \$16,249.19

West Valley City, Utah
3600 Constitution Blvd
West Valley City, Utah 84119
Attention: Accounts Payable Dept.
Customer Phone Number: 801-963-3235

U.S. Bancorp Government Leasing and
Finance, Inc.
ATTN: Lisa Albrecht
950 17th Street, 7th Floor
Denver, CO 80202

>>>>>>> PLEASE RETAIN THIS PORTION FOR YOUR RECORDS <<<<<<<<

Please send first payment to the address above.

All subsequent payments MUST be sent to this address:

**U.S. Bancorp Government Leasing and Finance, Inc.
PO BOX 959067
ST. LOUIS, MO 63195-9067**

U.S. Bancorp Government Leasing and
Finance, Inc.
ATTN: Lisa Albrecht
950 17th Street, 7th Floor
Denver, CO 80202

ACCOUNT: 077-0019717-002
AMOUNT DUE: \$16,249.19
DUE DATE: July 29, 2015
CREATE DATE: July 10, 2015

QUESTIONS? PLEASE CALL (303-585-
4077)

INVOICE SUMMARY

Current Charges [Payment #1]	\$16,249.19
Total Due	\$16,249.19

**TOTAL AMOUNT DUE THIS INVOICE MUST
BE PAID FOR FUNDING TO OCCUR**

Item: _____
Fiscal Impact: \$281,000
Funding Source: Class C Road Fund
Account #: 11-7582-40750-75166-0000

Budget Opening Required: No

ISSUE:

Federal Aid Agreement for Local Agency Project – 4700 South; 4000 West to 5600 West; UDOT Project Number F-2240(2)0

SYNOPSIS:

An agreement for the use of federal-aid highway funds on the 4700 South Reconstruction Project.

BACKGROUND:

An environmental study has been approved by UDOT and the Federal Highway Administration to evaluate the reconstruction of 4700 South from 4000 West to 5600 West. The exact scope of work to be performed will be defined during the design process.

This federal aid agreement will enable the project to access federal funds to begin the project. The total project cost for the project is anticipated to be \$8,302,135, which includes a local match of 6.77% to be paid by West Valley City and Salt Lake County in the amount of \$562,055. Total federal participated in the project \$7,740,080. Under this agreement, the city is responsible for 50% of the matching funds, but the proportionate share of matching funds are defined in an Interlocal Cooperation Agreement between the City and the County being executed concurrently to this agreement.

Upon execution of the Federal Aid Agreement, the city and county may select a consultant engineering firm to design the project.

This federal aid agreement authorizes the expenditure of funds through the entire project process, including design, right-of-way acquisition and construction. The matching funds will be paid during different phases of the project. Funds for design and early action items were included in the 15-16 tentative budget, and funds will be budgeted in future budget years to cover right of way and construction costs.

RECOMMENDATION:

Approval and Execution of the Agreement

SUBMITTED BY:

Daniel Johnson, P.E., City Engineer

WEST VALLEY CITY, UTAH

RESOLUTION _____

A RESOLUTION APPROVING A FEDERAL AID AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION AND SALT LAKE COUNTY FOR THE 4700 SOUTH IMPORVEMENT PROJECT.

WHEREAS, West Valley City (the “City”), Salt Lake County (the “County”), and the Utah Department of Transportation (“UDOT”) (collectively the “Parties”) desire to enter into an agreement to receive financing from federal-aid highway funds for the 4700 South; 4000 West to 5600 West project (the “Project”); and

WHEREAS, an agreement entitled, “Federal Aid Agreement for Local Agency Project” (the “Agreement”), prepared for execution by and between the City, the County and UDOT, is attached hereto and sets forth the rights, duties and obligations of the Parties; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the residents of West Valley City to authorize the execution of the above-referenced Agreement.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of West Valley City, Utah, that the Agreement entitled, “Federal Aid Agreement for Local Agency Project” is hereby approved and the Mayor is hereby authorized to execute said document for and on behalf of West Valley City, subject to approval of the final form of the document by the City Manager and City Attorney’s Office.

PASSED, APPROVED, and MADE EFFECTIVE this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER

State of Utah

Department of Transportation

Federal Aid Agreement for Local Agency Project CFDA No. 20.205	Salt Lake County - Andrea Pullos	Maximum Project Value Authorized
	West Valley City - Daniel Johnson	\$8,302,135
PIN Number 11085 FINET Number 53867 FMIS Number F008701	Project Number F-2240(2)0 PIN Description 4700 South; 4000 West to 5600 West	Agreement Number (Assigned By Comptrollers)
		Date Executed

This Agreement is entered into this ____ day of _____, 20____, by and between the Utah Department of Transportation ("UDOT") and Salt Lake County and West Valley City ("Local Agency"), a political subdivision of the State of Utah.

The (City/County) has a project that will receive financing from federal-aid highway funds. The Project consists of 4700 South; 4000 West to 5600 West, located at Salt Lake County and identified as project number F-2240(2)0;

Pursuant to 23 CFR 635.105, UDOT has the responsibility to oversee the federal aid projects to ensure adequate supervision and inspection so the projects are completed in conformance with the approved plans and specifications, including compliance with all federal requirements;

In instances where UDOT does not have jurisdiction over the road where the Project is being performed, UDOT may arrange for the Local Governmental Agency with jurisdiction of the road to perform the work with its own forces or by contract; and

This Agreement describes the respective roles and requirements of UDOT and the City/County to ensure compliance with the federal requirements for the receipt of federal funding for the Project.

State Wide Transportation Improvement Program STIP 2015 - 2018

Fund*	Prior	2015	2016	2017	2018	Total	Fed Aid	State	Other	Pct
STP_URB_SL	\$10,000	\$726	\$391,548	\$2,536,780	\$5,363,081	\$8,302,135	\$7,740,080	\$0	\$562,055	6.77%
Total:	\$10,000	\$726	\$391,548	\$2,536,780	\$5,363,081	\$8,302,135	\$7,740,080	\$0	\$562,055	6.77%

AGREEMENT

Now, therefore, the parties agree as follows:

I. Description of the Project.

II. UDOT's Roles and Responsibilities on a Federally Funded Local Government Project as follows:

- A. Oversee compliance with federal and state regulations.
- B. Ensure transportation project oversight as outlined in 23 CFR.
- C. Assign a UDOT Project Manager to:
 - 1. Assist the Local Government Project Manager to monitor scope, schedule, budget, and help track expenditures during all phases of the project.
 - 2. Assist in project risk monitoring by reviewing and discussing identified risks and mitigation efforts.
 - 3. For projects approved through the Wasatch Front Regional Council (WFRC), assist in early coordination with UDOT's Environmental staff during preparation of the environmental document.
 - 4. Prepare and process the federal aid agreement before project initiation.
 - 5. Help administer consultant qualifications-based selection, negotiation of contract, and contracting process for all phases of the Project.
 - 6. Assist the local agency to process and approve Consultant Pay Requests.
 - 7. Coordinate and participate in design review meetings to ensure the federally-approved, UDOT design process is followed.
 - 8. Coordinate to ensure ongoing communication with the local project sponsor.
 - 9. Coordinate payment of local government matching, betterment or other funding to UDOT prior to project advertisement.
 - 10. Assist the Local Agency in preparing and executing Utility Reimbursement Agreements as required.
 - 11. Coordinate betterment items and finalize agreements prior to construction advertising.
 - 12. Assist with the federally-approved construction advertising and award processes.
 - 13. Coordinate with the Local Project Manager to review and recommend change orders for approval.
 - 14. Coordinate the UDOT project closeout process.

III. Local Agency Roles and Responsibilities on a Federally Funded Local Government Project.

The Local Agency shall manage the Project in compliance with federal and state laws and regulations. The Local Agency shall monitor the quality of work being performed on the Project and daily activities and issues with the consultants. For Class B and C roads, the Local Agency assumes responsibility for the design, construction quality and maintenance of the road.

A. The Local Agency shall assign a representative to serve as the Local Project Manager to:

- 1. Research, understand, and take responsibility for federal requirements by its acceptance of federal funds.
- 2. Coordinate with the UDOT Project Manager concerning the funding.
- 3. Committee (MPO's, etc.) for funding and expenditure time-frames, scope issues and delivery schedule.
- 4. Manage the day-to-day activities of the Project as follows:
 - a. Consultant and professional services used on the Project.
 - b. The Local Agency shall recommend and approve consultant pay requests.
 - c. Project scope, schedule, budget, and quality.
 - d. Coordination of details, decisions and impacts with the local jurisdiction's community councils, commissions, legal counsel, department heads, political leads, engineering and public works departments, etc.
 - e. Coordination with the assigned UDOT Project Manager.
 - f. Project risk monitoring by reviewing and discussing identified risks and mitigation efforts.
 - g. Monitor project schedule and progress of all project tasks to ensure a timely delivery of the project.
 - h. Schedule discussion should be held in all preconstruction and construction project progress meeting.
 - i. Oversee project compliance with federal and state transportation project processes. These responsibilities include (but are not limited to):
 - 1) Participate in the federally approved consultant qualifications-based selection, negotiation of contract, and contracting process for all phases of the project.

- 2) Participate as the active lead in project team meetings as well as all field and plan reviews.
 - 3) Ensure NEPA Environmental clearances and approvals are obtained.
 - 4) Ensure current AASHTO, MUTCD, and UDOT design standards are met, or if not, ensure all design exceptions, waivers or deviations are obtained and have the necessary signatures in place.
 - 5) Ensure and certify that right of way acquisitions follow the federal Uniform Act and comply with state right of way acquisition policy, including rules, and meet all Project right of way commitments.
 - 6) Ensure construction standards and specifications are met.
 - 7) Oversee project construction management operations, progress, documentation and quality inspection to meet state and federal contract administration requirements.
- j. Coordinate with utilities to minimize project impacts and ensure needed relocations have the proper documentation, easements and agreements in place. The Local Agency shall provide to UDOT Region Utility Coordinator the Project utility certification prior to construction advertising.
 - k. Ensure required documentation is in place before submitting the advertising package to UDOT for advertising through its federally-approved process.
 - l. Coordinate with the UDOT Project Manager and Comptroller's Office to deposit the local match and betterment funds prior to advertising.
 - m. Approve the final advertising package and obtain local signature approval before proceeding to advertise.
 - n. Review the abstract of bids and recommend to the UDOT Project Manager award of the project.
 - o. Attend Construction Coordination meetings and coordinate with the Consultant Resident Engineer (RE).
 - p. Review all construction change orders for approval and submit them to UDOT Project Manager for review and processing.
 - q. Review the project budget for changes related to change orders, quantity overruns, incentives, fuel and asphalt adjustments, etc.
 - r. Ensure materials comply with the current UDOT Materials Testing and Acceptance Manual and the UDOT Minimum Sampling and Testing Requirements.
 - s. Assist to provide all documentation needed for construction project close out including Buy America certification.
 - t. Coordinate the project close out process by timely closing all open contracts and agreements.
 - u. Provide right of way certification verifying all required right of way has been purchased prior to advertising.

This list of roles and responsibilities is not comprehensive but describes the general roles of the Local Agency.

IV. Funding. Upon signing this agreement, the Local Agency agrees to pay its estimated matching share in phases when requested by UDOT. Phases typically include environmental, design, right of way and construction. The local match for this project is represented by the percentages of the Total Project Value shown below. In addition the Local Agency agrees to pay 100% of the overruns that exceed \$8,302,135 and any ineligible costs when requested by UDOT.

All project costs not reimbursed by FHWA shall be the responsibility of the Local Agency. No costs are eligible for federal aid reimbursement until authorized by the FHWA through Form R-709, Request for Federal Aid Project Approval, separate from this Local Agency Agreement.

For the specific funding for the project, see page 1, Statewide Transportation Improvement Program (STIP).

UDOT will request payment of matching shares and overruns through an email that will be sent to Andrea Pullos at APULLOS@SLCO.ORG and Daniel Johnson at DANIEL.JOHNSON@WVC-UT.GOV the Local Agency Contacts. The Local Agency shall pay within 30 days after each payment request. The Local Agency shall make the check payable to the Utah Department of Transportation referencing the project number above and mail to UDOT Comptroller's Office, 4501 South 2700 West, Box 1415010, Salt Lake City, Utah 84114-1510.

The Local Agency shall be responsible for all costs associated with the project which are not reimbursed by the federal government. For a Joint Highway Committee project, the federal participation for construction engineering costs is limited to 20 percent of the construction contract costs.

Funds requested beyond the amount set forth will require execution of a Supplemental Financial Agreement.

If the project has cost overruns, the Local Agency shall pay the additional amount required within 30 days of receiving the invoice. Should the Local Agency fail to reimburse UDOT for costs that exceed the federal reimbursement, federal funding for other Local Agency projects or B&C road funds may be withheld until payment is made.

If the advanced amount exceeds the Local Agency's share of project cost, UDOT will return the amount of overpayment to the Local Agency upon financial closure of the project.

UDOT shall provide the Local Agency with a quarterly statement reflecting a cost summary of project costs.

V. Local Agency's Reimbursement Claims. The Local Agency shall bill UDOT for eligible federal aid project cost incurred after FHWA approval for authorization to proceed (form R709) and in conformity with applicable federal and state laws. Authorized Local Agency reimbursement claims should be submitted to UDOT Project Manager. Reimbursements to the Local Agency for right of way claims are classified as a pass-through of Federal funds from UDOT to the Local Agency. Expenditures by the Local Agency for general administration, supervision, and other overhead shall not be eligible for federal participation unless an indirect cost plan has been approved by the Federal government.

The Local Agency shall comply with 23 CFR Section 710.203 for FHWA reimbursement requests of real property acquisitions. A Local Agency shall not request reimbursement for excess acquisitions which are not eligible for FHWA reimbursement under 23 CFR Section 710.203 <http://www.gpoaccess.gov/cfr/retrieve.html>.

VI. Federal Aid Project Compliance. Local Agency shall comply with Title 23, USC, 23 CFR, Office of Management and Budget Circulars A-102, A-87 and A-133, policies and procedures promulgated by FHWA, UDOT Local Government and State Aid Project Guide, UDOT's Right of Way Operational Manual and the Federal Aid Project Agreement between UDOT and Federal Highway Administration concerning federal aid projects.

VII. Project Authorization for Federal Aid. The Local Agency, through UDOT, must obtain an Authorization to proceed from FHWA before beginning work on any federal aid project. Federal funds shall not participate in costs incurred prior to the date of authorization, except as provided by 23 CFR Section 1.9(b).

VIII. Liability. Local Agency agrees to hold harmless and indemnify UDOT, its officers, employees and agents (Indemnities) from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of the Local Agency's negligent or intentional acts, errors or omissions in the performance of this Project, and from and against all claims, suits and costs, including attorneys' fees for injury or damage of any kind, arising out of Indemnities' failure to inspect, discover, correct, or otherwise address any defect, dangerous condition or other condition created by or resulting from Local Agency's negligent or intentional acts, errors or omissions in the performance of this Project.

Any periodic plan and specification review or construction inspection performed by UDOT arising out of the performance of the project does not relieve the Local Agency of its duty in the performance of this Project or to ensure compliance with acceptable standards.

IX. Single Audit Act. The Local Agency, as a sub-recipient of federal funds, shall adhere to the Federal Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. A sub-recipient who expends \$500,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provision of OMB Circular A-133. Upon conclusion of the A-133 audit, the Local Agency shall be responsible for ensuring that a copy of the report is transmitted to the Utah Department of Transportation, Internal Audit, 4501 S 2700 W, Box 148230, Salt Lake City, Utah 84114-8230.

X. Maintenance. The Local Agency shall properly maintain and restore each type of roadway, structure and facility as nearly as possible in its original condition as constructed or improved in accordance with state and federal requirements.

XI. Utilities. The Local Agency shall notify and cooperate with utility companies having facilities in the project limits in accordance with Utah Code Section 54-3-29.

The Local Agency shall certify, in accordance with 23 CFR Section 645.107(c), that utility relocation reimbursements to be made in accordance with the provisions of 23 CFR Section 645.107(a) do not violate the terms of a use and occupancy agreement, or legal contract, between the utility and the Local Agency, or are solely for the purpose of implementing safety corrective measures to reduce the roadside hazards of utility facilities to the highway use as provided in 23 CFR Section 645.107(k).

The Local Agency shall determine reimbursement eligibility for identified relocations based on Local Agency Franchise Agreement or Ordinance. If not reimbursable, submit a written statement to UDOT that the Local Agency is "legally unable to reimburse the utilities" for relocation or protection work as part of the project. Utility relocations deemed to be reimbursable will be performed in accordance with 23 CFR Section 645, Utilities, Subpart A, and are subject to 23 CFR Section 635.410, Buy America Requirements.

In accordance with 23 CFR Section 645.209 (g), the Local Agency will provide a degree of protection to the highway that is equivalent to or more protective than Utah Administrative Rule 930-7, Utility Accommodation Rule.

XII. Availability of Records. For a period not less than three (3) years from the date of final project close out with federal government, the Local Agency accounting records pertaining to the federal aid project are to be kept available for inspection and audit by the state and federal government, or furnished upon request.

XIII. Right of Way. The Local Agency shall acquire all the required right of way for the Project in compliance with 23 CFR Section 710.309, 49 CFR Part 24 and UDOT Right of Way Operations Manual. The Local Agency shall use the right of way module in ePM for acquisitions. Once all the necessary right of way is acquired, the Local Agency shall obtain UDOT's certification. All the necessary right of way must be obtained before the project is advertised. No limitations concerning right of way shall be allowed. For UDOT right-of-way certifications required for advertising access the following: <http://www.udot.utah.gov/main/f?p=100:pg::::1:T,V:808,34728>.

For real property disposals the Local Agency shall comply with 23 CFR Sections 710.409 and 710.403. The Local Agency should have property management records, which identify inventories of real property considered excess to project needs. If a Local Agency determines that real property initially acquired as part of the project is declared excess and disposed of the Local Agency must comply with 23 CFR Sections 710.409 and 710.403. This requires that the Federal share of net income from the sale or lease of real property acquired with Federal assistance be used for Title 23 eligible projects. Refer to <http://www.gpoaccess.gov/cfr/retrieve.html> for additional information. The Local Agency shall deposit the net proceeds from the sale or lease with UDOT to be applied towards a Title 23 eligible project as authorized by the appropriate metropolitan planning organization or the Joint Highway Committee.

XIV. Change in Scope and Schedule. Local Agency recognizes that if a project scope changes from the original intent of the project application, the project will need to be re-evaluated by the responsible agency that programmed the project. Such a review may result in approval of the scope change, removal from the program, or adjustment in the federal aid funds programmed for the project.

Local Agency is responsible for the schedule of the project. If the project cannot progress as programmed, the responsible programming agency may advance other projects and require the project to wait for next available funding.

Any change orders required to meet the terms and conditions of the construction contract will be initiated by UDOT. UDOT will notify the Local Agency of any such change orders. At the Local Agency's request, UDOT will initiate change orders that cover betterments.

The Local Agency shall be responsible for 100% of the costs of all change orders on the Project not reimbursed by FHWA.

XV. UDOT Service Costs. UDOT may provide expertise in project management, contract preparation, design plan reviews, advertising, construction materials verification/certification, technical assistance, engineering services or other services as needed. Appropriate charges for these costs will be included in invoices to the Local Agency.

XVI. Additional Contracting Party. If the Local Agency desires to be an additional contracting party and an additional bondholder or obligee on the performance bond for Class B and C roads, a signed letter on official letterhead by the governing body of the Local Agency shall be an attachment to this Federal Aid Agreement. This provision applies only to federally funded projects and only on B and C roads.

XVII. Termination. This agreement may be terminated as follows:

1. By mutual agreement of the parties, in writing.
2. By either UDOT or the Local Agency for failure of the other party to fulfill their obligations as set forth in the provisions of this agreement. Thirty day written notice to terminate the Agreement will be provided to the other party describing the noncompliance of the Agreement. If the noncompliance is not remedied within the thirty day period, the Agreement shall terminate. However, if UDOT believes that the Local Agency is violating the Agreement that may result in harm to the public, inappropriate use of federal funds or if the Federal Highway Administration requests immediate termination, UDOT may terminate the Agreement without giving the thirty day notice.
3. By UDOT for the convenience of the state upon written notice to the Local Agency.
4. By UDOT, in the event that construction of the project for which this design engineering is undertaken is not started by the close of the fifth fiscal year following the fiscal year in which this agreement is executed.

In the event of termination, the Local Agency shall pay all of UDOT's costs regardless of whether the Project is constructed.

XVIII. Miscellaneous.

1. This Agreement cannot be altered or amended, except pursuant to an instrument in writing signed by each of the parties.
2. If any term or provision of this Agreement or application to any person or circumstance shall, to any extent, be invalid or unenforceable, then the remainder of this Agreement shall not be affected and each term, condition and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law, so long as removing the severed portion does not materially alter the overall intent of this Agreement.
3. The failure of a party to insist upon strict performance of any provisions of this Agreement shall be construed as a waiver for future purposes with respect to any such provision or portion. No provision of this Agreement shall be waived unless such waiver is in writing and signed by the party alleged to have waived its rights.
4. Each undersigned represents and warrants that each has been duly authorized for all necessary action, as appropriate, to execute this Agreement for and on behalf of the respective parties
5. The parties shall not, by this Agreement nor by any act of either party, be deemed principal and agent, limited or general partners, joint ventures or to have any other similar relationship to each other in the conduct of their entities.

XIX. Content Review

Language content was reviewed and approved by the Utah AG's office on March 20, 2013.

GENERAL (FHWA) PROVISIONS FOR FEDERAL-AID AGREEMENT

1. **General Provisions:** The Grantee will comply with all Federal laws and requirements which are applicable to grant agreements, and imposed by the Federal Highway Administration (FHWA) concerning special requirements of law, program requirements, and other administrative requirements.
2. **Modification:** This agreement may be amended at any time by a written modification properly executed by both the FHWA and the Grantee.
3. **Retention and Custodial for Records:**
 - (a) Financial records, supporting documents, statistical records, and all other records pertinent to this instrument shall be retained for a period of three (3) years, with the following exception:
 - (1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.
 - (2) Records for non-expendable property, if any, required with Federal funds shall be retained for three years after its final disposition.
 - (3) When records are transferred to or maintained by FHWA, the 3-year retention requirement is not applicable to the recipient.
 - (b) The retention period starts from the date of the submission of the final expenditure report.
 - (c) The Secretary of Transportation and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its contractors and subcontractors, to make audits, examinations, excerpts, and transcripts.
4. **Equal Employment Opportunity:**
 - (a) The application/recipient agrees to incorporate in all contracts having a value of over \$10,000, the provisions requiring compliance with Executive Order 11246, as amended, and implementing regulations of the United States Department of Labor at 41 CFR 60, the provisions of which, other than the standard EEO clause and applicable goals for employment of minorities and women, may be incorporated by reference.
 - (b) The application/recipient agrees to ensure that its contractors and subcontractors, regardless of tier, awarding contracts and/or issuing purchase orders for material, supplies, or equipment over \$10,000 in value will incorporate the required EEO provisions in such contracts and purchase orders.
 - (c) The applicant/recipient further agrees that its own employment policies and practices will be without discrimination based on race, color, religion, sex, national origin, handicap or age; and that it has or will develop and submit to FHWA by August 1 an affirmative action plan consistent with the Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607, and the Affirmative Action Guidelines, 29 CFR 1608.
5. **Copeland Act:** All contracts in excess of \$2,000 for construction or repair awarded by recipient and its contractors or subcontractors shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, and person employed in the construction, completion, or repair of public work, or give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to FHWA.
6. **Davis-Bacon Act:** When required by the Federal program legislation, all construction contracts awarded by the recipient and its contractors or subcontractors of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the G/CAO.
7. **Contract Work Hours and Safety Standards Act:** Where applicable, all contracts awarded by recipient in excess of \$2,500 that involve the employment of mechanics or laborers, shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulation (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages or every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1-2 times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act if applicable to construction work provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
8. **Access to Records:** All negotiated contracts (except those of \$10,000 or less) awarded by recipients shall include a provision to the effect that the recipient, FHWA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcripts.
9. **Civil Rights Act:** The recipient shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and in accordance with Title VI of that Act, no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied that benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement. It shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where:
 - (a) The primary purpose of and instrument is to provide employment, or
 - (b) Discriminatory employment practices will result in unequal treatment of persons who are or should be benefitting from the grant-aided activity.
10. **Nondiscrimination:** The applicant/recipient hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d), related nondiscrimination statutes, and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the applicant/recipient receives Federal financial assistance. The specific requirements of the United States Department of Transportation standard Civil Rights assurances with regard to the States' highway safety programs (required by 49 CFR 21.7 and on file with the U.S. DOT) are incorporated in this grant agreement.
11. **Rehabilitation Act:** The recipient shall comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794, P.L. 93-112), and all requirements imposed by or pursuant to the regulations of the Department of Health, Education, and Welfare (45 CFR, Parts 80, 81, and 84), promulgated under the foregoing statute. It agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap, shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and that it shall take any measures necessary to effectuate this Agreement.

12. **Government Rights (Unlimited):** FHWA shall have unlimited rights for the benefit of the Government in all other work developed in the performance of this Agreement, including the right to use same on any other Government work without additional cost to FHWA.
13. Accountability of equipment acquired in prior years will be transferred to the current year Grant. An updated inventory list will be provided by FHWA.
14. This Grant is subject to the conditions specified in the enclosed Negotiation Document.
15. **Drug-Free Workplace:** By signing this agreement, the recipient certifies that it is in compliance with the Drug-Free Workplace Act (41 U.S.C. Sec. 701 et seq.) And implementing regulations (49 CFR Part 29), which require, in part, that grantees prohibit drug use in the workplace, notify the FHWA of employee convictions for violations of criminal drug laws occurring in the workplace, and take appropriate personnel action against a convicted employee or require the employee to participate in a drug abuse assistance program.
16. **Limitation on Use of Federal Funds for Lobbying for Grants in Excess of \$100,000:** By signing this agreement the recipient declares that it is in compliance with 31 U.S.C. Sec. 1352, which prohibits the use of Federally appropriated funds to influence a Federal employee, officer, or Member of Congress in connection with the making or modification of any Federal grant, loan, contract, or cooperative agreement. Unless the payment of funds is otherwise reported to FHWA, signing this agreement constitutes a declaration that no funds, including funds not Federally appropriated, were used or agreed to be used to influence this grant. Recipients of subgrants in excess of \$100,000 must make the same declarations to the grant recipient. With respect to the payment of funds not Federally appropriated by the recipient and sub-recipients, the recipient must report to the FHWA the name and address of each person paid or performing services for which payment is made, the amount paid, and the activity for which the person was paid.

50036.2-M-34b

Form FHWA-1273 (Rev. 3-94)

LOCAL AGENCY

Salt Lake County Official

By _____

Date _____

SLCO Mayor or Designee

LOCAL AGENCY #2

West Valley City Official

By _____ (Mayor)

Date _____

West Valley City Designee

Utah Department of Transportation

By _____
Region Director

Date _____

UDOT Comptroller

By _____
Comptroller's Office

Date _____

ATTEST:

City Recorder



Consultant Services

Federal Aid Agreement Review/Approval Routing Form

STATE OF UTAH
UTAH DEPARTMENT OF TRANSPORTATION
ENGINEERING SERVICES

TODAY'S DATE 11/25/2014
PM REQUEST DATE 11/20/2014

FEDERAL AID

Project No.: F-2240(2)0
PIN Description: Cnty:FA-2240; MP .00 - 2.01

PIN No.: 11085
FINET Prog Code No.: 53867

UDOT Project Manager	UDOT Contract Administrator
Jessica A Rice 2010 South 2760 West Salt Lake City, UT 84104 (801)887-3410 jrice@utah.gov	Michael R. Butler PO Box 148490 Salt Lake City Utah 84114-8490 (801)965-4419 michaelbutler@utah.gov

Local Government #1	Local Government #2
Salt Lake County 2001 S STATE ST N-3100 Salt Lake City, UT 84190 Andrea Pullos, (801) 468-3770 APULLOS@SLCO.ORG	West Valley City 3600 CONSTITUTION BLVD West Valley City, UT 84119-2057 Daniel Johnson, (801) 963-3228 DANIEL.JOHNSON@WVC-UT.GOV

Project Value	\$8,302,135
Federal Match	\$7,740,080
Local Government Match	\$562,055
State Match	\$0

Please print six single sided copies and route for review/approval to the individuals listed below, using the contact information above. Please sign where appropriate on page #1 in the document before forwarding to the next individual on the list. Please route in the following order:

Routing Sequence	Date
1 Sent to Local Government #1	11/25/2014
2 Review/Approved Local Government #1	
3 Review/Approved Local Government #2	
4 Review/Approved UDOT Region Director (c/o UDOT PM)	
5 Consultant Services	
6 Sent to UDOT Comptroller	
7 Review/Approved UDOT Comptroller	

Item: _____
Fiscal Impact: \$350,000
Funding Source: Class C Roads
Account #: 11-7582-40750-75166-0000
Budget Opening Required: No

ISSUE:

Interlocal Cooperation Agreement between Salt Lake County and West Valley City – 4700 South Improvement Project.

SYNOPSIS:

Interlocal Cooperation Agreement between Salt Lake County and West Valley City addressing cost sharing on a federally funded roadway improvement project on 4700 South, from 4000 West to 5600 West.

BACKGROUND:

West Valley City and Salt Lake County received federal funds under the Surface Transportation Program to reconstruct a portion of 4700 South, a roadway shared between the two agencies. A Federal Aid Agreement is being executed by the city and county concurrently to this agreement. This Interlocal Cooperation Agreement addresses cost sharing between the city and the county under the Federal Aid Agreement. West Valley City will be responsible for payment of matching funds and any overrun costs on improvements within its jurisdictional limits. It is anticipated that roughly $\frac{1}{4}$ of the project costs will be the paid by the city. The maximum amount authorized by this agreement is \$350,000, which will include payment of the city's share of matching funds, and some potential project overruns above the federally programmed funds. The county will take the lead on the project, but the city will participate during all phases of design and construction.

The matching funds will be paid during different phases of the project. Funds for design and early action items were included in the 2015-16 tentative budget, and funds will be budgeted in future budget years to cover right of way and construction costs.

RECOMMENDATION:

Execute the Interlocal Agreement with Salt Lake County.

SUBMITTED BY:

Daniel Johnson, City Engineer

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN INTERLOCAL
COOPERATIVE AGREEMENT BETWEEN WEST VALLEY
CITY AND SALT LAKE COUNTY FOR THE 4700 SOUTH
IMPROVEMENT PROJECT.**

WHEREAS, West Valley City (the “City”) and Salt Lake County (the “County”) are seeking funding from federal aid highway funds for the 4700 South Improvement Project from 4000 West and 5600 West (the “Project”); and

WHEREAS, the City and the County will provide matching funds for the Project, as well as coordinate and manage the Project under the terms of a federal aid agreement; and

WHEREAS, Title 11, Chapter 13, Utah Code Annotated 1953, as amended, entitled “Interlocal Cooperation Act” provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency is authorized by law to perform; and

WHEREAS, an agreement entitled “Interlocal Cooperative Agreement Between Salt Lake County and West Valley City” (hereinafter the “Agreement”) has been prepared for execution by and between the City and the County, a copy of which is attached hereto, and which sets forth the rights, duties, and obligations of each of the parties with respect thereto; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to approve the Agreement between the City and the County;

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, that the Agreement between West Valley City and the County is hereby approved in substantially the form attached, and that the Mayor is hereby authorized to execute said Agreement for and on behalf of West Valley City, subject to approval of the final form of the agreement by the City Manager and the City Attorney’s Office.

PASSED, APPROVED and MADE EFFECTIVE this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER

INTERLOCAL COOPERATION AGREEMENT

between

SALT LAKE COUNTY

and

WEST VALLEY CITY

This Interlocal Cooperation Agreement (this "Agreement") is made and entered into this ____ day of _____, 2015, by and between Salt Lake County, a body corporate and politic of the State of Utah (the "County"); and West Valley City, a municipal corporation of the State of Utah (the "City"). The County and the City are sometimes referred to collectively as the "Parties" and either may be referred to individually as a "Party," all as governed by the context in which such words are used.

WITNESSETH:

WHEREAS, the County and the City are public agencies as defined by Chapter 11-13, UTAH CODE ANN. (the "Interlocal Act"). Section 11-13-202 of the Interlocal Act provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative action; and

WHEREAS, pursuant to the Federal Aid Agreement ("FAA"), attached hereto as Exhibit "A" and incorporated herein, for Project No. F-2240(2)0 (the "Project"), 4700 South from 4000 West to 5600 West, the County and the City are identified as Local Governments awarded financing from federal-aid highway funds; and

WHEREAS, in accordance with the FAA, both the City and the County shall provide matching funds for the Project as well as coordinate and manage the Project; and

WHEREAS, the City and the County desire to enter into an agreement, which sets forth the rights, obligations and responsibilities for each Party for the Project; and

A G R E E M E N T :

NOW, THEREFORE, in reliance on the stated recitals, which are incorporated herein by reference, and for and in consideration of the mutual covenants and agreements hereafter set forth, the mutual benefits to the Parties to be derived herefrom, and for other valuable consideration, the receipt and sufficiency of which the Parties acknowledge, it is hereby agreed as follows:

NOW, THEREFORE, in consideration of the premises and the mutual covenants and undertakings, the Parties hereby agree as follows:

1. County Obligations. Except as provided in Section 2 of this Agreement, the County shall perform all of Section III of the FAA, Local Agency Roles and

Responsibilities on a Federally Funded Local Government Project. These obligations include, but are not limited to: design, bidding, and construction of the Project through the Utah Department of Transportation. The County will consult with the City in making project decisions, and will give the City deference in making decisions within the jurisdictional area of the city.

2. City Obligations.

- a. In accordance with the FAA, the City shall perform the following:
- i) The City agrees to pay the local matching funds on the portion of the Project determined to be within the West Valley City jurisdictional limits (the “WVC Local Match”). The local match is 6.77% of each federal dollar spent.
 - ii) In the event that the Project costs exceed or overrun the federal funds available through Federal-Aid Highway Funds (presently \$7,740,080), West Valley City agrees to pay the total cost exceeding the federal funds, (the “WVC Additional Amount”) for improvements within the jurisdictional limits of the City only.
 - iii) The City’s obligations pursuant to Subsections 2(a)(i) and 2(a)(ii) are limited to a total of \$350,000. In the event that additional funds are necessary, this Agreement may be amended by execution of the Parties.
 - iv) The Parties agree that the City will pay the WVC Local Match to the County within 30 days after the bid has been opened, and the City will pay the WVC Additional Amount within 30 days after project costs are known.

3. Approval and Coordination. The County shall obtain City approval of all Project design plans, drawings, and specifications prior to bid for the portion of the Project within West Valley City limits. In addition, the County shall obtain City approval for the Project schedule, Project construction coordination, including change orders, and any Project modification within West Valley City limits. The City shall cooperate and respond to all requests for approval promptly after receipt of any such request.

4. Services Performed in a Professional and Reasonable Manner. The County shall perform project management in a professional, reasonable and responsive manner in compliance with all applicable laws. Subject to the foregoing, the exact nature of how the services are to be performed, and any other matters incidental to providing services shall remain with the County. All construction will comply with applicable law.

5. Retaining Consultants and Contractors. The County will work with the City and consider input from the City in selecting consultants, but shall have sole discretion to retain

consultants and contractors to assist it in performing the design and construction of the Project, pursuant to this Agreement and the FAA.

6. Termination and Non-Funding.

(a) Termination. If the design and construction of the Project are not completed by the end of the term as set forth herein, and the County desires to extend this Agreement, the County shall request an extension from the City as soon as reasonably possible. The request shall be in writing and shall indicate the reason for the request and the length of the extension desired. Within 30 days of receipt of such written request, the City shall notify the County in writing of its intent to accept or reject the request, and the Parties shall amend this Agreement with a new termination date if accepted. This Agreement may be terminated, for cause, upon 90 days written notice to the non-terminating party.

(b) Funding. The Parties understand that funds are presently available for performance of this Agreement by both Parties. However, if no funds or insufficient funds are appropriated and budgeted, then the non-funding party may terminate for insufficient funds by notifying the other party as soon as reasonably possible. Such termination shall not be construed as a breach or a default under this Agreement, so long as the non-terminating party is reimbursed for all work completed prior to receiving the termination for insufficient funds. The terminating Party shall be liable for adverse impact to federal aid caused by early termination.

7. Liability and Indemnification. The City and the County are governmental entities under the Utah Governmental Immunity Act, UTAH CODE ANN. § 63G-7-101. Consistent with the terms of the Act, and as provided herein, it is mutually agreed that each party is responsible and liable for its own wrongful or negligent acts which are committed by it or by its agents, officers or employees. Neither party waives any defenses otherwise available under the Act nor does any party waive any limits of liability currently provided by the Act.

8. Interlocal Cooperation Act Requirements. In satisfaction of the requirements of the Interlocal Act, and in connection with this Agreement, the Parties agree as follows:

- (a) This Agreement shall be approved by each Party pursuant to Section 11-13-202.5 of the Interlocal Act;
- (b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party, pursuant to Section 11-13-202.5 of the Interlocal Act;
- (c) A duly executed original counterpart of this Agreement shall be filed with keeper of records of each Party, pursuant to Section 11-13-209 of the Interlocal Act;
- (d) Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action taken pursuant to this Agreement, and for any financing of such costs; and
- (e) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the mayors of the City and the County. No

real or personal property shall be acquired jointly by the Parties as a result of this Agreement. To the extent that a Party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

9. Counterparts. This Agreement may be executed in counterparts by the City and the County.

10. Notices. Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing, and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within three days after such notice is deposited in the United States mail, postage pre-paid, and certified and addressed as follows:

If to Salt Lake County:	County Mayor 2001 South State, N2100 Salt Lake City, Utah 84190
With a copy to:	Salt Lake District Attorney 2001 South State, S3700 Salt Lake City, Utah 84190
If to the City:	Wayne T. Pyle City Manager West Valley City 3600 Constitution Boulevard West Valley City, Utah 84119
With a copy to:	J. Eric Bunderson City Attorney West Valley City 3600 Constitution Boulevard West Valley City, Utah 84119

11. County Ethical Standards. The City represents that it has not: (a) provided an illegal gift or payoff to any County officer or employee, or former County officer or employee, or to any relative or business entity of a County officer or employee, or relative or business entity of a former County officer or employee; (b) retained any person to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statutes or Salt Lake County's Ethics Code, Chapter 2.07, Salt Lake County Code of Ordinances, 2001; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statutes or Salt Lake County ordinances.

12. Governing Law. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

13. Resolution of Claims and Disputes. In any action brought to enforce the terms of this Agreement, the Parties agree that the appropriate venue shall be the Third Judicial District Court in and for Salt Lake County, Utah.

14. Entire Agreement. This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof, and no statements, promises, or inducements made by either Party or agents for either Party that are not contained in this written Agreement shall be binding or valid; and this Agreement may not be enlarged, modified, or altered except in writing, and signed by the Parties.

15. Amendments. This Agreement may be amended, changed, modified or altered only by an instrument in writing which shall be (a) approved by the governing bodies of the County and City, including the adoption of any necessary resolutions or ordinances by the County and the City authorizing the execution of any amendment, change, modification or alteration of this Agreement by the appropriate person or persons for the County and the City, respectively, (b) executed by a duly authorized official of each of the Parties, (c) submitted to an attorney for each Party that is authorized to represent said Party for review as to proper form and compliance with applicable law, pursuant to Section 11-13-202.5 of the Interlocal Act, and the execution by each respective attorney, and (d) filed with the keeper of the records of each Party.

16. Term of Agreement. This Agreement shall take effect immediately upon the completion of the following: (a) the approval of the Agreement by the governing bodies of the County and the City, including the adoption of any necessary resolutions or ordinances by the County and the City authorizing the execution of this Agreement by the appropriate person or persons for the County and the City, respectively, (b) the execution of this Agreement by a duly authorized official of each of the Parties, (c) the submission of this Agreement to an attorney for each Party that is authorized to represent said Party for review as to proper form and compliance with applicable law, pursuant to Section 11-13-202.5 of the Interlocal Act, and the approval of each respective attorney, and (d) the filing of a copy of this Agreement with the keeper of records of each Party. This Agreement shall terminate on the earlier of (i) the completion of the Project or (ii) within three years of the execution of this Agreement as set forth herein.

17. Severability. If any provision hereof shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses, or paragraphs herein contained, shall not affect the remaining portions hereof, or any part thereof.

18. No Separate Legal Entity. No separate legal entity is created by this Agreement, however, to the extent that this Agreement requires administration other than as set forth herein, it shall be administered jointly by the Salt Lake County Mayor and the West Valley City Manager.

19. Additional Provisions. The following provisions also are integral to this Agreement:

(a) Titles and Captions. All section or subsection titles or captions herein are for convenience only. Such titles and captions shall not be deemed part of this Agreement and shall in no way define, limit, augment, extend or describe the scope, content or intent of any part or parts hereof.

(b) Pronouns and Plurals. Whenever the context may require, any pronoun used herein shall include the corresponding masculine, feminine or neuter forms, and the singular form of nouns, pronouns and verbs shall include the plurals and vice versa.

(c) Applicable Law. The provisions of this Agreement shall be governed by and construed in accordance with the laws of the state of Utah.

(d) Integration. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof, and supersedes all prior agreements and understandings pertaining thereto.

(e) Time. Time is the essence hereof.

(f) Survival. All agreements, covenants, representations and warranties contained herein shall survive the execution of this Agreement and shall continue in full force and effect throughout the term of this Agreement.

(g) Waiver. No failure by any party to insist upon the strict performance of any covenant, duty, agreement or condition of this Agreement or to exercise any right or remedy consequent upon a breach thereof shall constitute a waiver of any such breach or of such or any other covenant, agreement, term or condition. Any party may, by notice delivered in the manner provided in this Agreement, but shall be under no obligation to, waive any of its rights or any conditions to its obligations hereunder, or any duty, obligation or covenant of any other party. No waiver shall affect or alter the remainder of this Agreement but each and every other covenant, agreement, term and condition hereof shall continue in full force and effect with respect to any other then existing or subsequently occurring breach.

(h) Rights and Remedies. The rights and remedies of the parties hereto shall not be mutually exclusive, and the exercise of one or more of the provisions of this Agreement shall not preclude the exercise of any other provisions hereof.

(i) Litigation. If any action, suit or proceeding is brought by a party hereto with respect to a matter or matters covered by this Agreement, all costs and expenses of the prevailing party incident to such proceeding, including reasonable attorneys' fees, shall be paid by the nonprevailing party.

(j) Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

SALT LAKE COUNTY

By: _____
Mayor Ben McAdams or Designee

Approved as to Form and Legality:

SALT LAKE COUNTY DISTRICT ATTORNEY

By: _____
Deputy District Attorney

Date: _____

WEST VALLEY CITY

By: _____
Mayor Ron Bigelow or Designee

ATTEST:

City Recorder

Approved as to Form and Legality:

WEST VALLEY CITY ATTORNEY

By: _____
West Valley City Attorney

Date: _____

Item: _____
Fiscal Impact: \$261,000
Funding Source: Class C Road Fund
Account #: 11-7581-40750-00000-0000
Budget Opening Required: No

ISSUE:

Award Contract for the 2015 Asphalt Polymer Treatment Project

SYNOPSIS:

Lowest responsible bid was received by Ridge Rock, Inc.

BACKGROUND:

Bids were opened for the project on July 14, 2015. A total of five (5) bids were received. The lowest responsible bidder was Ridge Rock, Inc.

This project consists of the application of a polymer mastic seal as a high density roadway surface preservation treatment on several roads within the city. It is designed to seal the surface on newer pavements to prevent oxidation of the asphalt oil from water infiltration and ultraviolet exposure.

Areas of work include the following:

3145 South, 4760 West, 4355 West, 4140 West, Pioneer Parkway, Lemar Way

Hawkeye Dr, Eagle Glen Way, Hawkeye Street, Eagle Heights Dr, Barton Crest Circle.

Various roads in the Highbury area. Various roads in the Vistas neighborhood. Various roads in the Westridge area.

RECOMMENDATION:

Award the contract to Ridge Rock, Inc. in the amount of \$249,134.36, and authorize the Public Works Department to spend no more than \$261,000 on the project.

SUBMITTED BY:

Daniel Johnson, City Engineer

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

**A RESOLUTION AWARDING A CONTRACT TO RIDGE
ROCK, INC. FOR THE 2015 ASPHALT POLYMER
TREATMENT PROJECT.**

WHEREAS, proposals were solicited from qualified contractors for the 2015 Asphalt Polymer Treatment Project; and

WHEREAS, Ridge Rock, Inc. ("Ridge Rock") submitted the lowest responsible bid for said work; and

WHEREAS, Ridge Rock meets all other requirements of the proposal specifications; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interest of the citizens of West Valley City to award the 2015 Asphalt Polymer Treatment Project to Ridge Rock;

NOW, THEREFORE, BE IT RESOLVED by the West Valley City Council as follows:

1. Ridge Rock is hereby awarded the contract to perform the 2015 Asphalt Polymer Treatment Project.
2. Said contract shall be in an amount not to exceed \$249,134.36, with authorization to spend an amount not to exceed \$261,000 through change orders on the Project.
3. The Mayor is hereby authorized to execute a contract with Ridge Rock to perform the 2015 Asphalt Polymer Treatment Project, subject to the final approval of the contract by the City Manager and the City Attorney's Office.

PASSED, APPROVED and MADE EFFECTIVE this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR


ATTEST:

CITY RECORDER

West Valley City, Utah - Bid Tabulation Summary

2015 Asphalt Polymer Treatment Project

Opening Date: July 14, 2015 @ 10:00am

	Bid Totals	City Provider Preference (1%)	Other Prefs. (Veteran, Safety, Drug Testing, Job Training, Health Insurance, Non-Discrimination) (1%)	Total Bid Evaluation Preference Reduction	Bid Evaluation Total with Preference Reduction (Used Only for Determination of Low Bidder)
Engineer's Estimate	\$ 282,442.00				
Response 1	\$ 249,134.36	\$0.00	\$0.00	\$0.00	\$249,134.36
Ridge Rock		0%	0%		
Response 2	\$ 273,765.72	\$0.00	\$0.00	\$0.00	\$273,765.72
Top Job		0%	0%		
Response 3	\$ 285,041.39	\$0.00	\$0.00	\$0.00	\$285,041.39
Eccles Paving		0%	0%		
Response 4	\$ 293,806.73	\$0.00	\$0.00	\$0.00	\$293,806.73
Precision Asphalt		0%	0%		
Response 5	\$ 307,122.53	(\$3,071.23)	(\$3,071.23)	(\$6,142.45)	\$300,980.08
Morgan Pavement Maintenance		-1%	-1%		